THE
NATION

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Robert Sherrill *on*
Wright Patman:

A MINOR NATIONAL MONUMENT

Bernard Weiner *on the*
Seattle Conspiracy Trial:

THE ORDERLY PERVERSION OF JUSTICE

M. L. Rosenthal
'THE UNCONSENTING SPIRIT'
Poetry and Politics

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LETTERS

solution doubtful

Longview, Wash.

DEAR SIRS: I was pleased to read Harriette Simpson Arnow's thoughtful article "The Gray Woman of Appalachia" [*The Nation*, Dec. 28] about the problems of Appalachia—truly a region which can be characterized as an American failure.

She acknowledges that this region was once rich in natural resources but now much of it is wasteland. However, Mrs. Arnow has some excellent suggestions for reinvigorating this vital and beautiful part of the United States. She mentions the possibility of building strategically located dams which could be used for the production of electricity and the prevention of floods. A similar program has helped substantially in the Tennessee Valley which, after all, is mostly in Appalachia. Appropriately enough, one of the Tennessee Valley Authority's dams is named Appalachia.

Essentially, however, Appalachia has been devastated of its economic and human resources by the workings of the capitalist system—by the free enterprise system, if you please. The drive for profits, as an illustration, causes the owners of the industries to look on the rivers and the atmosphere and the land as "free" sewers or garbage dumps. Although various reform measures could alleviate some of the waste and misery evident there, it is doubtful that there is a just and lasting solution to the problems of Appalachia under the capitalist system.

Henry R. Korman

anti-deification

Montreal, Canada

DEAR SIRS: What with the Conservatives deifying certain men, e.g., J. Edgar Hoover, and the Communists doing the same, e.g., about Lenin and Mao Tse-tung, it is nice to have a couple of liberals around, e.g., men like I. F. Stone and those who run *The Nation* who debunk such glorification. Perhaps, such debunking will not stop people like Hoover, for example, from rising to become the fourth member of what was the Holy Trinity, but it will certainly help a couple of us who still feel that people are capable of being critical from losing our faith. Keep up the good work.

Robert Feinstein

Dreiser centennial

Terre Haute, Ind.

DEAR SIRS: Members of the English Department of Indiana State University are planning Theodore Dreiser Centennial observances in Terre Haute, city of the author's birth. In addition to a workshop which will run from August 9 to 20, 1971, there will be a special celebration August 17 to 18. Special guests for the celebration will be Vera Dreiser, Marguerite Tjader, Ruth Kennell, Charles Shapiro, Jack Salzman, John McAleer, Richard Lehan, Philip Gerber and Ellen Moers. The program will include speeches by Dr. Moers, Dr. Gerber, and Dr. McAleer as well as panel discussions, a luncheon, and a reception. Participants in the workshop will have use of the Dreiser materials in the Indiana State University Library; special speakers for the workshop will be Neda Westlake, Jack Salzman and Rolf Lunden. The workshop, which is open to undergraduate juniors and seniors as well as to graduate students, will carry two hours of credit and will include intensive study of the major novels, short stories, plays, poetry and autobiographies, with attention to Dreiser scholarship and problems of interpretation.

Anyone interested in attending any section of the Dreiser Centennial observances may write or call Dr. Robert P. Saalbach, Chairman, Dreiser Centennial Committee, Indiana State University, Terre Haute, Ind. 47809.

Jane A. Schnabel for the Committee

EDITORIALS

Cambodia: Growing Debacle

As the war winds down in South Vietnam, it is stepp up in Cambodia and elsewhere in Southeast Asia. Wh he initiated the invasion of Cambodia, President Nix gave the clear impression that it was to be a joint Sou Vietnamese-American operation, with American parti pation limited to a duration of about thirty days, a with the sole purpose of cleaning out the North Vi namese "sanctuaries" in Cambodia. Then the America would return to South Vietnam, and American air su port would cease for the South Vietnamese who are l behind.

Public commitments of this kind by the President a his advisers or spokesmen have been shown to be wort less. There is one difference between the current violatio and earlier ones under the Johnson administration. Wh Mr. Johnson shifted the American bomber assault fro North Vietnam to Laos, although every U.S. war corr spondent in Indochina knew what was going on, comme was muted. The operations in Laos were an open secr but the American public was kept in ignorance. In t Cambodian situation the correspondents have given ad quate coverage, and Americans who are unaware of wh is going on have only themselves to blame.

Since the facts could not be hidden, the Pentagon h been unusually candid of late. On January 18 the Defen Department spokesman told reporters in Washington th the United States intended to employ the full range its combat air power throughout Cambodia against enem troops and supplies that "ultimately" might threat American military personnel in South Vietnam. What ma constitute such a threat will be decided by the Defen Department, no doubt with the consent of the Presiden In simple terms, the Department can do anything likes in Cambodia, as long as the equipment and perso nel are furnished mainly by the Air Force. As the spoke man delivered his announcement, two American helicopt carriers were standing off the Cambodian coast, and the helicopters were ferrying South Vietnamese troops int combat in an effort to help Cambodian troops open Rou 4, which connects Phnom Penh with the country's majo seaport, Kompong Som. These were called "interdiction missions, i.e., operations intended to blunt or prevent a enemy attack. Actually "interdiction," in the new Pentago nomenclature, covers any air operation the American fiel commanders think may be effective against the enem As the Defense Department spokesman recited his piec the Associated Press reported at least three helicopt gunships attacking in direct support of Cambodian troop on Route 4. The gunships strafed enemy positions wit fragmentation rockets, cannon and other weapons. An fliers are permitted not only to supply air cover fo friendly forces and to fly them wherever they are neede but also to leave their craft while on the ground in Cam bodia in the course of moving supplies or troops.

The only action that is prohibited, the Pentagon ma said, was the use of American ground troops or militar advisers. The Pentagon, that is, has decided to operat in accordance with the Cooper-Church amendment. How

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ver, an Associated Press radiophoto from Saigon raised question in this respect. The picture shows an Amerian in camouflage uniform, hatless, running toward a tanding helicopter. Who was he, and what was he doing? Neither the State Department nor the Defense Departnent knew or, if they did know, were offering no explanaion.

It was a safe surmise that events would take such a ourse sooner or later. It was not expected to happen o early, but things have been going badly in Cambodia or the American-South Vietnamese side. From Washingon, George W. Ashworth writes in *The Christian Science Monitor* (January 19) that the situation in Cambodia "is xpected here to deteriorate still further." The situation s turning out as was expected "in gloomier predictions f a few months ago." About the only good news is that he Lon Nol government has not fallen. "So far," Ashvorth is careful to add.

The American enlargement of the war proceeds apace lsewhere. New bases are being established in Thailand. Antiaircraft positions are being attacked in North Vietnam with radar-homing missiles. The Ho Chi Minh Trail is nder constant bombardment, and exotic weapons are eing brought in for greater effectiveness. One type is lescribed by Orr Kelly in the Washington *Star*. The Air Force has seeded the Laotian panhandle with "millions" f devices designed to pick up acoustically or seismically he movement of enemy troops or trucks. These signals re picked up by high-flying aircraft and flashed to a computer center, where they are returned to the fighterombers operating over the trail. The aim is to interdict novement of enemy supplies at night. The colossus of he West is sparing no effort to make this not only the longest war in American history but the most variegated and ruinous for the population which it is ostensibly defending.

'Atrocious Judgment'

In a *Nation* article of November 30, 1970, Fred J. Cook reported on the manner in which the FBI had summarily withdrawn fifteen of its agents who had been studying at the John Jay College of Criminal Justice in New York. The "offense" that triggered this summary action consisted in the discovery that a member of the faculty, Abraham S. Blumberg, had made some remarks in class about the FBI that were less than totally laudatory. A lively discussion ensued in which an FBI agent, a member of the class, seemed to be somewhat disturbed by some of the comment. Over the summer this agent sat down and wrote a 15-page letter to Blumberg—not intended for publication or classroom distribution—in which he tried to summarize, with painful honesty and candor, his thinking about the FBI and J. Edgar Hoover, as well as some reflections on his experience. The letter was never mailed. In fact the FBI had not seen the full text when the director acted to suspend the agent. Another agent, in passing a typist's desk, happened to see a page from the letter which described how Hoover often made snap judgments about personnel on the basis of quick interviews. Immediately a frantic search of wastebaskets was

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launched, as a result of which 8 pages of the unmailed letter were pieced together. Now, thanks to the investigative diligence of Jack Nelson of the *Los Angeles Times*, the full text of the offending letter has been obtained and other details disclosed.

The ousted agent is John F. Shaw, married and the father of four children. A graduate of St. Charles College (*cum laude*), he holds a B.A. degree from St. Mary's Seminary (major in philosophy) and is a graduate of the University of Baltimore Law School. After three years in the Marines—he advanced to the rank of captain—he joined the FBI in 1963. He has had an excellent record. He finished second in his Russian language class and served as interpreter for Kosygin during the latter's visit to this country in 1966. He was also chosen from among seventy-six Bureau volunteers to study at the John Jay School.

When asked to produce the letter which he had written but never mailed to Blumberg, Shaw declined on the ground that he was entitled to the "privacy" of his thoughts and also because the letter was part of an academic discussion. Then and there he was told to surrender his badge and pistol. Shortly afterward he received a curt letter from Hoover accusing him of "atrocious judgment by preparing a communication for transmittal to an individual not employed by the Bureau, which correspondence contained material critical of the FBI. Your reasons for acting as you did are without merit. Having been put on notice that this person (Blumberg) had been critical of the Bureau, you had a responsibility to make this matter known to your supervisors immediately and you failed to do so. Your derelictions are inexcusable. In view of the above, the suspension from duty without pay which began at the close of business September 18, 1970, is being continued through the close of business October 18, 1970. You are also being placed on probation." The same day Shaw was notified that he had been transferred to the Butte office, which has been known for years as the "Siberia" of the service. Shaw replied that since his wife had been ill he could not accept the transfer, "so I consider it necessary to resign." Back came a wire from Hoover: "This is to advise your resignation is being accepted with prejudice . . . action being taken in view of your atrocious judgment."

Shaw, who was earning $18,500, has tried without success for the past three months to find new employment in the law-enforcement field. Posts were offered him in Baltimore and New York and then withdrawn upon learning of his "atrocious judgment." As reported by Cook, a high-ranking official of the FBI brought pressure on Donald Riddle, president of the John Jay School, to fire Blumberg. Riddle refused and his action received commendation and support in a resolution adopted by the University Faculty Senate of the City University of New York on December 15, 1970.

On balance it would seem that Mr. Hoover is the party who is guilty of "atrocious judgment" in suspending Shaw and attempting to have Blumberg sacked. *The Nation* has read the 15-page letter. Portions of it are critical of some aspects of FBI policy and practice, but it also defends the Bureau and Hoover and offers a reasoned explanation of some practices about which Blumberg had been critical. After he had seen the letter, Blumberg said to Cook and it is a fair comment—"The letter is rather pit in a way, because it appeared to be written by a n who was troubled by his role in life, who had some qu tions about the institution for which he was worki but was basically loyal."

Next week *The Nation* will carry an article by H. Wilson, of the Department of Politics, Princeton Univ sity, which raises the issue of the need to reorganize FBI and restore to the Congress and the President a the Attorney General a degree of control over the Bur and its director, effective control having been lacking n for two generations. The Shaw incident is a drama demonstration of the urgent need for such a thoroughgo evaluation and reassessment.

Why Do Utilities Advertise?

In the face of what promises to be a chronic ene shortage, the electric utilities continue to advertise th product. Sen. Lee Metcalf (D., Mont.) calls attention the fact that 1969 expenditures by the investor-owr utilities increased their advertising and sales promoti by almost 12 per cent over 1968—from $289.6 milli to $323.8 million (*Congressional Record,* Senate, Dece ber 31, 1970). It is difficult to imagine what justifial purpose such expenditures can serve in the great major of cases. An exception may be when, during the nig hours, a utility wishes to offer electricity at a reduced r for water heating. But this is a special case. Most of t advertising in which utilities engage has no other purpc than to burnish the company's image and create an atm phere favorable to rate increases. A reiterated argument that the price of electricity has not risen as much as t price of some other necessities. The reason for this d crepancy, of course, is that the rate of progress in gene tion, transmission and distribution of electricity has e ceeded that in relatively static industries like steel maki and railroads, and lax as regulation is in the utilities fie the public service commissions could not let the pow companies reap the benefit of all this technological pro ress themselves.

Senator Metcalf points out that in 1969 the investc owned utilities (a more precise term than "public" uti ties) spent eight times as much on advertising and sal as on research and development. Among the 210 maj electric utilities, forty-six spent nothing on R&D. The e penditures of sixty-one companies on R&D were le than in 1968, while four were unchanged. Ninety-ni spent more.

They could well afford it. These 210 companies to in $21 billion in 1969. Federal income taxes decreas from 9.2 per cent of the revenue dollar in 1968 to on 8 per cent in 1969. Other taxes held steady at 11¢ the dollar. A considerable surplus was available f R&D, but many of the utilities rely solely on the electric manufacturers (General Electric, Westinghouse, etc.) a do no research of their own.

As a general practice, state regulatory commissio permit utilities to charge advertising and sales promoti as an operating expense. Senator Metcalf is appealing

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ıe Federal Power Commission to institute a rule charging ıch items to earnings. One state commission, Vermont's, as proposed that no electric or gas utility shall engage ı advertising or sales promotion of any kind. Of course ewspapers and broadcasting stations don't like that, but seems to be very much in the public interest.

The Harrisburg Conspiracy

Three of the defendants in the Great Harrisburg Conpiracy to Kidnap Henry Kissinger (also known as the errigan Conspiracy and the Conspiracy of the Nuns, riests, Ex-Priests and Professors), have been released ıto the custody of Lawrence (Cardinal) Shehan. The ıree—Rev. Joseph Wenderoth, Rev. Neil R. McLaughlin, nd a former priest Anthony Schoblick, all of Baltimore, ere first required to post bail in the amount of $7,500, ne-tenth of the $75,000 originally demanded. *Time*, hich is reporting the case in tones of awe and incredulity ". . . is it possible that the government has drawn monrous conclusions from flimsy evidence, perhaps taking rotestors' idle speculations with total solemnity?"), reers to the willingness of Cardinal Shehan to accept reponsibility for the three, declaring it to be "an unusual esture of support for the dissenters by the American hurch hierarchy."

Unusual for the hierarchy perhaps but not for Cardinal hehan. When the three were first arrested, he visited hem in jail and was quoted as saying that he accepted esponsibility for his priests. It does not surprise us that Cardinal Shehan acted in this manner. In the past we ıave had occasion to commend the forthright and responible leadership of this great churchman. In 1963, when he Establishment leadership in general was trying *not* to bserve the centennial of the Emancipation Proclamation, Cardinal Shehan—then Archbishop Shehan—issued a ,000-word pastoral letter banning racial discrimination n the Baltimore archdiocese [see "The Heart of the Matter," *The Nation*, March 16, 1963], which belongs in he archives of important public documents of the period. What distinguished the letter was that it made no exceptions—none whatsoever—in banning racial discrimination. Justice and charity are not abstract virtues; they are o be applied from day to day, guiding us "in our personal elationships—within our block, our neighborhood, our ommunity; in our social and fraternal organizations; in he business we may conduct; in the labor union to which we may belong; at work and at play; in all the circumtances of everyday life."

In much the same way that Cardinal Shehan has publicly accepted responsibility for two of his priests and an ex-priest, Sister Rosalie Murphy of the Sisters of Notre Dame de Namur, provincial superior of Sister Beverly Bell, another of the Harrisburg "conspirators," has publicly voiced support for Sister Beverly. "The whole thing," she is quoted as saying, "is preposterous." Sister Beverly ncidentally is represented by E. Clinton Bamburger, independent of his role as dean of Catholic University Law School.

Faced with such a firm refusal to disclaim responsibility by Cardinal Shehan and Sister Rosalie, the Department of Justice may yet regret that it sought the indictments on which the Great Harrisburg Conspiracy is based. The indictments, it is now known, represent the first step in the rejuvenation of the Department's Internal Security Division, under the "dynamic" direction of Asst. Atty. Gen. Robert C. Mardian. Ken W. Clawson, writing in *The Washington Post*, reports that the rejuvenated division will be "the government's spear point in dealing with subversion" and that already a dozen major cases and scores of "subversion matters" have been transferred to the unit from the Criminal Division. In itself this development is cause for concern on the score of civil liberties, but it may help explain why the Justice Department decided to seek indictments in the Harrisburg Conspiracy.

The Vulnerable Public Sector

John Kenneth Galbraith, delivering this year's lecture to the Fabian Society in London, threw light on the present "job actions" of the municipal workers in New York and other American cities, and in England also. Galbraith, whose remarks appeared in the *New Statesman* of December 4, 1970, was at his prophetic best. He explained the police, firemen and sanitationmen's revolts in New York two months before they occurred.

"The truth we evade," he said, "is that the age of Keynesian economics is now over . . . there is no way within the Keynesian modalities to reconcile adequately high employment with reasonably stable prices." This can be the political ruin of Mr. Nixon who, as we noted last week, has chosen this particular time to pronounce himself a Keynesian. He should have a heart-to-heart talk with Galbraith. It would instruct him, but would not necessarily make him happy.

Connected with the irrelevance of the Keynesian economics is the ability of unions in corporate industry—the more monopolistic the better—to extract wage gains from their employers in excess of rises in productivity. Both employer and unionized employees gain. The employees get higher wages, earlier retirement, better fringe benefits, etc. The employer passes these increased costs on to the public but, like a shopkeeper, he adds on a markup, thus making a profit for himself, or in the worst case keeping a profit which might otherwise drop. At any near approach to full employment, Galbraith explains, "corporations can retrieve the wage increase and something more." That "something more" is the crucial factor.

But this is not true in the public sector, where the workers perform indispensable tasks and see workers in the private sector making substantial gains while the cities plead poverty. The police lash about them indiscriminately, attacking their own union officials and, especially in New York, "those bums on relief." The militancy of the police in New York shocked many observers, but they failed to see the underlying causes. The police have other grievances, such as being called pigs indiscriminately, but they would not have gone on strike if it had not been for the money which they felt was coming to them.

Likewise in Britain, where 200,000 postal workers went on strike on January 20, wage increases are the

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crucial factor. The employees want a 15 per cent wage hike; the post office has offered 8 per cent. The post office is already raising the postage rates from 5¢ for first class mail to about 7¢, and wants to use the increased revenue to reduce its deficit.

The municipal situation in the United States is excruciating. Raise taxes? Real estate taxes in particular are already too high, and the police, firemen, sanitationmen, transport workers, teachers, et al., would be the first to cry havoc if they were raised.

Socialism? In the United States the word cannot even be spoken. In Britain it can be spoken but not practiced.

Of course if the armament industries were pared to the bone, and the millions in the military services (for whom there is no trouble getting raises) were put to useful work, and if existing tax loopholes were eliminated, there might be enough money available from the federal government to relieve the bankruptcy of the cities. But the armament industries and their workers, and the military services, represent a formidable vested interest, and the Nixon Administration is as war-minded as it feels may be politically safe. Unemployment in the war industries is already at a high level: in some Connecticut towns it stands at 10 per cent. The workers in the public sector are employed and their jobs are safe, but it is chimerical to expect them to be satisfied with anything less than parity with the workers in the monopoly-dominated "private" sector. The outlook, therefore, is that there will be more conflict.

The Berkeley Debate

The University of California is a prime example of infiltration of educational institutions by the military. The liaison between the university and the military is not blatant; it is, in fact, managed very discreetly. Students might not know of it at all unless they read about it, or are told by faculty members that it exists.

The arrangement is not between the university and the Pentagon directly, but between the university and the Atomic Energy Commission, which manufactures nuclear weapons for the Pentagon. The university does no manufacturing, nor is its nuclear activity centered on any of its nine campuses. It is responsible for nuclear weapons research at Livermore, Calif., about 30 miles southeast of Berkeley, and at Los Alamos, N. Mex. These two facilities are valued at more than $400 million and employ 10,000 workers, all of whom, from janitors and cleaning women up to the laboratory directors, are of course security-cleared. The AEC finances the budget of more than $250 million a year. It pays the university a management fee of $2.4 million a year. This is gravy: it is not part of the state budget on which the university subsists.

The Pentagon tells the laboratories what types of nuclear weapons will fill its requirements, and the university scientists and engineers employed at the AEC-owned facilities comply with the necessary research and design.

The AEC-Pentagon-U.C. relationship has long troubled many faculty members and recently the question of severance was put to a vote of the university's nine faculties. By a vote of 2,278 to 1,712 the faculty voted to continue the relationship. The faculty vote, of course, is pur advisory but it goes without saying that the regents v now renew the university's five-year contract with AEC. A case can, of course, be made to support majority position. For example, Charles Schwartz, U.C. physics professor who is a leading advocate in American Physical Society of involving scientists in put issues (see "Science: The Movement vs. the Establi ment" by Charles Schwartz, *The Nation,* June 22, 197 favors a continuation of the existing relationship. wants open discussion on weapons issues between weapons scientists and other members of the faculty. the past, Schwartz has fought with university officials o his attempts to discuss issues of war and weapons w the faculty members working at the Berkeley radiati laboratory. Since it is clear that the contract will renewed, consideration should be given to liberalizing t relationship between the AEC and the university in t direction of declassification of as much of the resear as possible and, more to the point, open discussion the issues.

The Reagan Model

San Francis

Gov. Ronald Reagan of California managed entry in the new year with a fresh fillip to the ultraconservati role he seems bent on playing on the national scene.

At a moment most embarrassing to the Nixon A ministration, he vetoed one of the most highly prais of the federal anti-poverty programs, an OEO legal ser ice, the California Rural Legal Assistance (CRLA) [s "Lawyers for the Poor" by Sheldon L. Greene, *The N tion*, December 14, 1970]. Then, Reagan underscored h persistent public opposition to Nixon's Family Assis ance Plan by declaring at his inauguration that he w launch his own welfare reform structure, a kind of go-i alone pioneering venture for California. The Reag model, he emphasized, will "eliminate waste and the in propriety of subsidizing those whose greed is greater tha their need." So much for FAP.

In choosing the President thus for combat, Reagan clearly playing to a wider audience than that which r elected him to the state capitol. He continues disavo ing any aim to unseat the President in 1972, but on least three major issues—all related to funding assistan for the poor—the California Governor is jousting wi the Nixon Administration in a manner contrived to thru Reagan into a national posture of leadership.

Such games among politicians are common enough. is a spectator sport America enjoys. But danger lurks i the possibility that as these two Republicans, Nixon an Reagan—both Californians—warily maneuver again each other, the remarkable OEO legal assistance progra could suffer nationally and the vetoed CRLA go totall down the drain.

It lies within the power of the OEO to override th Governor's veto of CRLA's 1971 fund of $1.8 millio This has been done twice before, on behalf of smalle programs (Florida and Missouri). But right now OEO in a perilously uncertain period. Rumors of severe budg

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uning in 1971 were afloat three months ago. Director onald Rumsfeld has hied himself off to the White House id the Senate confirmation of his successor Frank C. arlucci got snarled most unpleasantly in the new year's eagan veto crisis. Barely two months ago, two top legal rvices directors were dismissed in Washington for op- osing directives they contended would subject legal serv- es to local political sway.

The President is hardly unaware of the frantic search r some means to scotch legal representation for the oor in civil suits, since the House last year beat down e "Murphy amendment" which would have given finality a gubernatorial veto such as Reagan's. The next move now Nixon's.

It is not happenstance that Governor Reagan marked RLA for oblivion in his recent campaign. The thirty- x young, brilliant and dedicated attorneys who man RLA offices in California's agricultural centers have ustrated the Governor's autocratic attempt to curb the manitarian thrust of welfare programs he considers too pensive. When no other agency could thwart him, not e Democratic Party nor labor nor the churches nor vol- nteer welfare organizations nor the press, CRLA, repre- nting aggrieved clients, took Reagan into court and opped him. What CRLA did was simply provide the oor with the same aggressive, imaginative and sound presentation in court that the wealthy expect from top w firms in the nation. Victories have been amazing. RLA has won each year from 86 to 92 per cent of its ases. Five times last year CRLA went before the Cali- rnia Supreme Court (headed by a Reagan appointee) nd five times won by unanimous decisions. The Reagan eto, which would have put CRLA out of business now a one-month extension had not been conceded, is gen- rally considered retaliation.

That the CRLA operation is esteemed in Washington as signaled by the fact that this controversial budget as approved as a sign of good faith, when dismissal of e legal services directors had brought the agency's polit- al freedom and independence into question. Washington ction now on the Reagan veto will prove how stable such good faith" is.

There is a special significance to this budget. Not only did CRLA receive the sum asked, that sum includes $250,000 to enlarge their operation as a model and guide to other OEO legal offices.

CRLA is larger than any other in the OEO far-flung legal services. It is the only one exclusively directed to the rural poor. It is the only one structured for statewide operation. Representing farm workers in a state where agriculture is so highly industrialized, it has thwarted some of the most powerful pressure groups in California when it stopped "bracero" importation, forced farmers to adhere to health laws in pesticide handling, to provide field toilets and drinking water; compelled schools to institute free milk programs and forced the whole state to re-examine its mental retardation program because non-English-speaking children were being shuffled into classes for the retarded via IQ tests given in a language they couldn't speak. One suit alone, which compelled farmers to abide by the state's minimum wage of $1.65 an hour, increased pay among farm workers by an estimated $27 million a year.

As the young lawyers see it, CRLA "has proved that a degree of social and economic change is possible within the system. The system can be available and open to the powerless." Bar associations in California have shared this evaluation in opposing the Reagan veto and supporting CRLA, whose board includes a majority of attorneys named by outsiders.

Governor Reagan has stormily protested that CRLA uses government money to frustrate government operations. Curiously enough, he used the state's OEO fund to investigate CRLA and produce some thousands of pages of alleged improprieties, most of which CRLA flatly denies.

At the moment the decision on CRLA rests with OEO which, if it wishes, can override Governor Reagan's veto. Opponents of the program have professed a willingness to agree to a short extension after January 31 when the present authorization expires. But spokesmen for CRLA fear that the tactic of "extend and investigate, investigate and extend" would, in the end, result in the demise of the agency. If this promising program is scuttled it will be a bad omen for the new year.

MARY ELLEN LEARY

ARMS EXPORTS

THE RUNAWAY ENTERPRISE

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Washington

"We are all victims of history," cried Townsend Hoopes the other day. A product of Yale, the National War College, and the Pentagon's corridors of power, where he once directed programs to scatter arms around the world, Hoopes was talking of the new wisdom—"changed perspectives"—he had acquired since leaving Washington. Now he is skeptical of at least some of the arms aid schemes he once promoted with zeal and utters his *cri de coeur* at the serio-comic inquiry conducted by Sen. William Proxmire.

The Senator, in his simple way, wants to know what have been the consequences of the billions in military weapons, equipment, roads, pay and other impedimenta

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Oliphant, Denver Post

"Greetings, Sir—What, You May Ask, Am I Doing in This Crate?"

that Washington finances or stimulates annually to support the colonels, generals and admirals in charge in Argentina, Brazil, Spain, Greece, Vietnam, Thailand and others points around what the Pentagon—with touching nostalgia—still calls the "free world."

Proxmire has not yet found anybody who can tot up the sum. Elmer Staats, that veteran bureaucrat who runs the General Accounting Office, was too shrewd to try; Senator Fulbright offered a $7 billion estimate but was apparently unaware that his own Foreign Relations Committee had insisted on converting "Food for Peace" counterpart funds into finances for foreign armies. Hoopes's successors at the Pentagon tentatively offered totals ranging from $7.3 billion to $4.9 billion, but it makes no difference; they had erasers on their pencils.

This is no more bewildering than the starting point for the rationale on which it all rests, the "Joint Strategic Operating Plan," drawn up each year by the service chiefs and reflecting their vision of what it takes to defend everybody from everything. Hoopes called this a "ludicrous" document with "astronomical" totals that was best treated with "polite" disdain. But the present possessor of his old office, Armistead Selden, assured Proxmire that the "Plan" is "being utilized . . . the Defense Department does take (it) into account."

One measure of its wisdom was Selden's assertion that arms for Latin Americans was a good thing because "Castro's Cuba" was training "thousands of insurgents" to subvert the democracies below the Rio Grande. Anyone moderately familiar with Castro's own strictures on his collapsing economy is entitled to assume that any insurgent foolhardy enough to go to Havana is likely to be sent out forthwith to cut sugar cane.

But whimsy is not the product of any single political party. Nicholas deB. Katzenbach, of Princeton, Yale and IBM, an Under Secretary of State who in office argued that the war in Vietnam was a step on the road to a New Jerusalem, now testifies that nothing that happens in Southeast Asia could harm American interests.

This is not to suggest that all military aid programs are entirely capricious. American reporters who found their way to Rawalpindi in 1967 and 1968 can recall how serious the Ambassador, Benjamin Oehlert, an amiable Coca-Cola executive, could be about the absence of such a scheme in the country to which he was accredited. Oehlert would take the correspondent aside point out that China and Russia were selling arms t Pakistan, and assert that American influence there woul disappear entirely unless we followed suit.

It was a splendid argument until it was examined Obviously, Pakistan was not interested in employin American arms against its Chinese and Russian patrons Any American contribution would be used to strengthe Pakistan further against the one nation it regarded a hostile, India. But Oehlert was right; his local standin with Pakistan's then ruler, Marshal Ayub Khan, wa diminished by the Ambassador's inability to freshen th arsenal. Ayub Kahn, of course, has disappeared; but th Nixon Administration has filled the arms void surpris ingly left by its predecessors.

Similarly, in Europe, some observers have concluded that Greece's external security depends on resolving the fading differences with its Yugoslav and Bulgarian neighbors and, above all, settling its bitter conflict with a fellow NATO ally, Turkey. Andreas Papandreou was once incautious enough to say just about this to *Le Monde*. That, of course, outraged the large American diplomatic and military Establishment in Athens and helped set in motion the train of events that displaced Papandreou's father for a more suitable regime.

Nearer to home, caprice and strange logic can sometimes infuse the Pentagon's relationships with its domestic clients. The current affair between Deputy Secretary David Packard and Chairman Daniel Haughton of Lockheed is an excellent case in point. They are presently disputing how much the public should pay to rescue Lockheed from mismanaging its production of C-5A transports. Almost forgotten is the fact that Lockheed's claim rests on the assertion that the Johnson administration "contracted" for thirty-four of the multimillion-dollar planes never authorized by the Congress.

It may be that Haughton understands better than most the quiet revolution that has taken place. In the 17th century, the basis for modern representative government was laid when Parliament cut off the King's supplies. But in the last half of the 20th century, we are reverting to the early Stuart years and the legislative will is becoming a historical curiosity.

No less an authority than Katzenbach, when he was one of the King's men, virtually asserted that Congress had ceded its supposed war-making powers to the Executive. When the Congress forbade the shipment of planes to Taiwan from funds it ritually appropriates, the Pentagon simply deactivated a squadron, called it "excess" and turned over the craft anyway. Lt. Gen. Robert Warren cheerfully explained as much to Proxmire, pointing out that Congressional "reductions" in military aid budgets interfere with Pentagon proposed force levels abroad. On this basis, there is much to be said for Haughton's views that it is immaterial whether or not Congress authorizes and appropriates.

It is probably unfair to single out the Pentagon as the only unmanaged enterprise on the scene. A Proxmire turned loose on HEW or HUD or any large spending entity would be likely to find parallel examples.

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Indeed, there is no reason to believe things are much better in large organizations outside of government. Could General Motors really stand intimate scrutiny? Not long ago, AT&T was already near the top of any sober list of well-managed corporations. The breakdown of telephone service is its own commentary on such a claim.

These, of course, are impertinent observations and they fly in the face of much wisdom which holds that size, efficiency and power are all intimately and directly related. No less a skeptic than J. K. Galbraith insists that large bureaucracies are inevitable products of modern technology and the problem is simply to find good men to fill their "technostructures."

It is striking that economists have provided much of the rationale for the large corporations, the Pentagon's exercises in alternative weaponry, the aid programs that develop officers' ambitions and even the multiversity.

In their eagerness to celebrate size the economists have forgotten one of the their own cherished precepts: the law of diminishing returns. This is the simple notion that if a ton of fertilizer on 10 acres of land may increase the crop, 2 tons will yield proportionately less, and 10 tons will burn the crop away.

The explorations on Capitol Hill into the mysteries of military aid indicate that our great bureaucracies may have passed the point of relatively diminishing returns and may now have entered the wasteland where returns diminish absolutely. □

WRIGHT PATMAN

A MINOR NATIONAL MONUMENT

ROBERT SHERRILL

Washington

Rep. Wright Patman, the quaint old boy from Texarkana, has been discovered by youth. College groups of the near and far Left compete to offer him speaking engagements. He was recently written about as the "hero" of "the New Populist movement."

That is all quite understandable. Patman is an entertaining anachronism. He still keeps in his office the loaded .38 revolver he carried long ago when he was district attorney of Texarkana, that mischievous epoch he likes to spin yarns about—cleaning up Swampoodle, the red light district; wrestling "a nigger with fingers as big as bananas" who was trying to kill him.

And if the New Populists adore him, that is understandable too, for he is a lovable, grandfatherly character who has over the years encouraged newspaper reporters to describe him as the last of the old-time Populists in Congress. It is a romantic fillip that helps him get the headlines he yearns for.

It is also roughly 50 per cent correct. On Mondays, Wednesdays and Fridays he indeed has always said courageous things, pro-people things, anti-Establishment things. No one has berated the big bankers and their high interest rates more eloquently than Patman. But on Tuesdays, Thursdays and Saturdays he reverts to the slipperiness of a standard politician. And on Sunday he spends the day counting his money, for although he has no observable outside occupation Patman has managed to become a millionaire. (He denies this; but close associates in Texas say it has certainly come to pass, not by crookedness but merely by knowing the right people at the right time.)

The main goals of the Populists of the last century, when they were at their zenith of political influence, were (*1*) to recover the lands that had been stolen from the public domain by the big ranchers, the big timber companies and the big mining companies; (*2*) to make the railroads responsive to the needs of the public, especially the farmers of the West who were so dependent on them and who were scandalously exploited by them; and (*3*) to take away from the big banks of the East the power to regulate credit and money, and give this power to the people's representatives.

The first two of those goals now appear pretty well beyond reach, for the theft of the nation's land and resources by big business and the perversion of the rail systems seem almost too complete to reverse. Which may be why there is not now, and has not been for a number of years, anyone in government who is thought of as a reform leader in those two problem areas. But when it comes to the crusade to make the people sovereign over their own money, Patman almost single-handedly—although without even coming close to winning—has managed to keep the debate going. Perhaps that alone would justify his being coated in brass and made a minor national monument.

But if for no other reason than to remind themselves of the weakness of man, the young Populists should take a closer look at his life and career before they indulge in excessive hero worship.

For the most impressive action in Patman's political career, one must go back nearly forty years. This was his advocacy of a bonus for service in World War I, on the ground that what the depression-sunk country needed was "a liberal dose of inflation." As is often the case with Populists, in this fight Patman was burdened with the support and encouragement of some rather smelly types—Rankin of Mississippi, the anti-Semite Father Coughlin and William Randolph Hearst. But it was still a good idea, and Franklin Roosevelt, no slouch as a demagogue himself, seized upon the issue and asked Patman to tour the country in the 1932 campaign and make speeches promising that if FDR were elected the soldiers' bonus would go through.

Patman did just that. But shortly after FDR took office he called Patman to the White House and said the budget

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couldn't stand the bonus (FDR was still under the influence of the budget-balancing Southerners) and asked Patman to postpone his legislation. Patman said nothing doing. He bucked FDR all the way on that issue and he is probably accurate in claiming now that "they kept me off Banking and Currency although the assignment was due me. If they had let me on when I was due, I'd have been chairman twenty-eight years ago." And what a difference that might have made. Patman could have had leverage during the Eisenhower years to fight Ike's perpetual tight-money policy.

The significance of the episode is this: the determination to keep his word on the bonus fight was one of the few exceptions in his career when his strong loyalty to principles—if in conflict—were not overwhelmed by his strong loyalty to friends or his strong loyalty to the Democratic Party.

Several illustrations of less happy results:

In 1957 William ("Dollar Bill") Blakley was appointed an interim Senator from Texas. On *Fortune* magazine's rich men's list for 1957, Blakley (at between $100 million and $200 million) was right behind oilmen H. L. Hunt and Sid Richardson. Blakley was a Neanderthal racist. He opposed federal subsidies for things like education but he was all for federal subsidies for airlines, perhaps because he was the major stockholder in Braniff Airways and that line regularly received about $1 million a year from the government. He believed in, and voted for, none of the progressive legislation that passed through the Senate in the year he was there before running for a regular term in 1958.

Opposing Blakley was Ralph Yarborough, the leader of the liberal wing of the Democratic Party in Texas, a somewhat paranoid but beautifully motivated individual. Blakley said that his race with Yarborough simply gave the voters a choice "between democracy and communism."

Although ideologically Yarborough was much, much closer to him, Patman made public statements endorsing Blakley.

Why? Well, for one thing he was probably asked to do so by Lyndon Johnson and Sam Rayburn, who very much wanted Blakley to win. Having sat next to Lyndon Johnson's father for four years in the state legislature, Patman always felt very close to LBJ, and Sam Rayburn was the only truly intimate friend Patman ever had. So they were pretty heavy pressure. But in addition, Blakley was also Patman's friend and former business associate. Blakley owned the Guardian International Insurance Company, and Patman owned part of it too. I once asked Patman how he could turn on Yarborough and support Blakley and he answered, "Oh, Bill, he's got terrible politics, all right, but he's a good man."

It might be worth mentioning at this point that although the fans of Patman like to think of him as a simple po' boy who mingles only with just plain folks and never with the fat cats, nothing could be further from the truth. He has been politically and personally involved in advancing the financial well-being of men like Jesse Jones, who wound up owning about one-fourth of Houston; Troy Post, the organizer of Greatamerica, one of the notable conglomerates of our time; Howard B. Keck of Superior Oil, whose money played a significant part in the campaigns of such illustrious fellows as LBJ and Jose McCarthy; and E. B. Germany, the head of Lone St Steel and one of the most vicious right wingers Tex has produced.

(Germany and Patman were allies off and on for yea but eventually had a permanent falling out; over wh Patman won't say. However, Patman never slacked in l loyalty to Marvin Watson, Germany's former assistar and when Watson came under attack from liberals b cause of his role as LBJ's hatchet man, Patman did wh he could to help smooth things over by publicly endorsi Watson's character. Watson thought so much of one Patman's glowing tributes that he had the Governme Printing Office make several hundred reprints, which Wa son passed out to visitors.)

"Troy Post and I sort of started out together," sa Patman. "We organized the Pioneer American Life I surance Co. You better not mix me up with him, thoug People might think I'm a big businessman."

Patman was the politician most deeply involved in se ting up Lone Star Steel—as one might expect, since it in his district—with a $75 million loan from the Reco struction Finance Corporation, which Jesse Jones the headed. For oilman Keck, Patman practically smothere President Kennedy with letters trying to get Superior O Company a better slice of the oil import program (th letters had no effect).

But let us return to the Patman sellouts. The reall purple ones occurred, naturally, after he became chairma of the Banking and Currency Committee and after John son became President. The peak year was 1967.

Johnson, under heavy fire for wasting so muc money on his pet war, set about to find ways to spen without the expenditures showing up in his budget. H settled on the Sales Participation Act as his gimmick This would permit him to lump together the $33 billio in government loans—student loans, veterans' loans, hous ing loans, etc.—and sell this paper to banks at inflate interest rates. Nobody stood to benefit by it but Johnson who thereby got some more war money without askin Congress for it, and the banks, who stood to profit enor mously without doing a thing—since the government guar anteed the loans and even collected them for the banks

Eisenhower had tried to get permission to indulge in the same hocus-pocus, and so had Kennedy, but Congress had fought them off. Johnson was luckier because he had Patman. Although the legislation presumably violated everything Patman stood for—it exploited the populace on behalf of the banks, it raised interest rates, it tightened the money supply available to the general public—he rammed it through his committee in a hearing that lasted exactly two hours and twenty-two minutes, with no time given to opposition witnesses. And sure enough, within two months after the bill cleared Congress the Sales Participation Act activities had triggered another round of higher commercial interest rates and tighter money.

Later that same year Patman was revealed as a key man in one of the dirtiest manipulations of international relations. It was discovered that the Export-Import Bank —which by law is supposed to limit itself to financing

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:aceful enterprises—had become one of the chief spon-
ırs of the international arms race, pouring military equip-
ent into some of the most sensitive trouble spots in the
orld. Sometimes it financed arms to both sides. In the
:evious two years it had loaned more than $1 billion
ır direct arms purchases and another $600 million for
:direct purchases through the Defense Department.

In allowing this to happen without public notice, Pat-
ıan's support had been vital. When Patman became
ıairman of the Banking Committee, he was told about
ıese loans, but he kept the information to himself. He
id not inform others on the committee about them. Every
:ar the Export-Import Bank is required to make a full
isclosure to Congress of its activities. It made false re-
orts; sales of military equipment were camouflaged.
oans to Australia and New Zealand—which actually
'ere for the purchase of military planes and ships—were
lentified as "various U.S. exports." The indirect sales
f arms through the Pentagon to Israel, Jordan, Saudi
ırabia, Morocco, Iran, Pakistan, India and half a dozen
outh American countries weren't mentioned at all. (While
ıe State Department publicly sided with Israel, the Pen-
ıgon and Exim Bank were selling three times more arms
› the Arabs.) Patman knew the Exim Bank was lying,
ut he said nothing.

The Exim Bank had begun its arms loans in 1962, financing arms to both Austria and Italy at a time when those two countries were arguing over the South Tyrol. It was like selling gasoline and matches to both sides. The State Department was confidentially advising Congressmen not to travel in that part of the world at that time for fear they would get caught in a shooting war.

But the big plunge into the arms market was in fiscal 1966. It was about that time that the Congressional opponents of the Military Assistance Program really began to get noisy; as the sharp escalation of the war in Vietnam made serious drains on the federal budget, the crusade to cut back on arms assistance to other countries looked as though it might have results. It was at this point that the Administration took action through the Exim Bank to outflank Capitol Hill opponents of the arms race. Thereafter, instead of seeking Congressional appropriation for all the arms the Pentagon wanted to distribute around the world, it simply got the job done, on the sly, through Exim loans.

The perfect occasion for exposing this and blocking its continuation came in 1967. Every five years the Exim Bank must return to Congress to renew its charter, and 1967 was the year for it. For its charter hearing, the Exim officials must appear before Patman's committee. They came, and with them came friendly witnesses from the Department of Defense, the State Department and the CIA.

The hearings lasted for three days. Several hundred pages of testimony were recorded. But nowhere in all these records is found one mention of the arms loans. They weren't about to volunteer the information. And Patman did nothing to make them tell. Later he conceded, "Maybe I made a mistake."

The Exim arms sales might still be a secret if it had not been for a couple of members of Patman's staff who, disgusted by their boss's collusion with the militarists, called in a friendly newspaper man and leaked information about the arms peddling just two days before the bank's charter was to go to the House floor for final approval. When this news hit the front pages, Patman was forced to reopen the charter case in secret session with his committee. It was a pretty wild session, with members shouting denunciations at him and at the bank officials for keeping them in the dark for more than three years.

Patman's excuse was the old patriotic line. He said it all came down to a question of "whether or not an agency should cooperate with the Executive branch in protecting our country in an adequate way." When public criticism grew louder, Patman got dirtier, denouncing the critics as "inadvertently performing great public relations work for the Soviet Union and Red China. They are helping to provide a smoke screen for the Communist arms sales by their unwarranted criticism of the Export-Import Bank's activities."

Incidentally, the Sales Participation Act (mentioned earlier as the program Patman strong-armed through his committee) and the Exim Bank arms sales were part of the same package. Exim officials admitted that about one-third of their sales were accomplished through money raised by the SPA. They also admitted that one country (they didn't say which one) had bought so much SPA

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paper from the United States that it was able to buy its arms from the Pentagon with the interest paid by the U.S. taxpayer.

It was also in 1967 that Patman was discovered to have been covering up for the CIA's misuse of tax-exempt foundations. He was chairman of a subcommittee that was supposed to be watchdogging the foundations. In 1966 *The Nation*, and in 1967 *Ramparts*, showed some of the various ways that the CIA had been using many foundations as conduits for their money, to pervert the activities of the National Students Association, labor unions, magazines and just about any organization that had its hand out.

Why hadn't Patman uncovered this stuff? He had. As early as August 1964, he was informed by the government that the CIA was using the foundations as conduits. But he said nothing about it. Nor did he permit his subcommittee to investigate nine Texas foundations which turned out to be among the key conduits. His reluctance was apparently born of friendship, for five of the Texas foundations were linked in one way or another to such Patman friends as Oveta Culp Hobby, Judge Sarah T. Hughes (who swore Johnson in as President) and attorney Leon Jaworski, a powerful man in Democratic circles.

It has been well publicized that Lyndon Johnson and members of the inner Johnson circle have been sopping up stock in every major bank in Austin and have made deep inroads in banking in Houston and other Texas cities. But Patman, for all his interest in the interlocking ownership of banks, seems to have no interest in this at all.

After one of Patman's blasts at the Rockefellers, he received this telling return fire from Rep. Paul Fino: "I would hardly think that Mr. Patman would want to talk about foundations, but O.K., let us talk about foundations. What about the Johnson City Foundation in Texas? [At last report it had given far less than half its income to charity.] What about all the trust funds for the assorted Birds and Baineses? What does Chairman Patman think they exist for—administrative flexibility? I have heard a lot of Chairman Patman's studies on bank stock ownership, but I have never seen him investigating the concentration of bank ownership that exists in Austin, Texas." And then, with a final volley that must have pinked Patman sharpest of all, Fino referred back to the Sales Participation Act, "when Chairman Patman sold out the farmers of Texarkana to pay off the fat cats of Wall Street."

Having made what he considers the necessary adjustments to backroom politics for so many years, Patman has reached the point that even when he wants to shoot straight—and he usually does—he can't quite do it. There is a deviousness, a false tone, a slippery sheen to even his most positive performances. Twice this was illustrated in the last session of Congress.

Those who saw Patman on Mike Wallace's *Sixty Minutes* show on CBS television, January 5, will recall the old man in typical form, chopping the air with his fists as he declared war on another bureaucratic foe. This time it was the Federal Housing Administration, which had been caught subsidizing dozens (before the investigation ends it may turn out to be hundreds) of real estate operators who had, with the approval of the FHA, sold ho ribly defective and overpriced homes to low-income ar middle-income people from Washington, D.C. to Seattl

These are "235 homes," so called because that is th official number of the FHA program that was set up du ing the last year of the Johnson administration to enab inner-city residents to buy homes (rehabilitated as we as new) with no down payment and with the governmei paying for all but 1 per cent of the interest.

There's nothing wrong with the program that an in telligent and honest supervision by the FHA wouldn cure. But the "suede shoe real estate operators," as Rej Thomas Rees calls them, have found FHA appraiser and inspectors cooperatively blind, and so the program ha been corrupted from almost the beginning.

"Renovated" homes with ceilings falling, homes wit water draining through electric outlets, and an assortmer of other critical structural defects were filmed by Wallace Some of the homes were in such bad shape they wer condemned and tagged for demolition within a year afte the FHA had contracted to pay for them.

It was a good show and Patman deserved sta billing. But there were certain questionable aspects of hi investigation. First, why the long delay in beginning th investigation and then the several months of secrecy abou its preliminary findings—unless it was only to assure eventually, a socko piece of television publicity?

There were (as Patman's own records show) clues tc the corruption in the 235 program as early as February 1970. On the Senate side, Banking Committee staffers now say that the corruption had been a common topic of conversation in real estate circles and in the banking committees for at least nine months. Toward the end of July, Patman had made a few general charges about the handling of the housing program, but thereafter he was silent until his appearance on television five and a half months later.

Meanwhile, he had assigned several of his staff to follow up on the leads. There were lawsuits and newspaper clippings and many letters already stacking up on the problem; in fact, considering the body of evidence preceding them, Patman's investigators (he has one of the largest and best paid staffs on the Hill; some of his secretaries earn $14,000 a year) might have been expected to uncover more on their own.

The General Accounting Office, which is supposed to serve as Congress' bookkeeping policeman, had independently been dawdling along on its own survey of the 235 program since June, but it was not called in by Patman's investigators for consultation until October (and only very recently has it really been turned loose to find out everything it can). But none of these activities had been brought to the attention of Congress as a whole. The question of whether or not to reveal the corruption was argued at length when the House and Senate conferees met, but they decided, with Patman's concurrence, to keep it secret until Congress had passed the Housing Act of 1970—which it did, in total ignorance of what was going on.

And Congress went home at the end of the session still ignorant of the report that was already printed and two

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eks old, but unreleased. Although Congress was kept the dark, Patman's $35,000-a-year staff press agent is busy supplying all the details to CBS, which broke e story after Congress left town. The timing of the lease was good for Patmanesque publicity but not good r the cause of reform. Considering the attention span Congress in such matters, it was likely its members ould have forgotten what the hubbub was all about by e time they returned two weeks later. (Ironically, the w provision in the Housing Act that provides for compensation payments to purchasers of defective 235 houses me not from Populist Patman but from the Senate anking Committee, considered relatively conservative.) Patman's selectivity of villains, however; is worth oticing. Two years earlier, when Leonard Downie, Jr., id Jim Hoagland did a masterful series in *The Washgton Post* to reveal how slum speculators were working cahoots with savings and loan institutions to strengthen e control of absentee landlords in the inner city (at xploitative costs to the residents), Patman gladly turned at investigation over to Rep. Leonor Sullivan, hardly e most effective prosecutor. Patman called for no itional investigation in *that* scandal to see how widespread e practice was. In fact, he was singularly quiet. Perhaps is lack of interest on this occasion was brought about y the fact that, as Downie and Hoagland pointed out, e former associate of one of the speculators was Simon . McHugh, Jr., best known to the world at large as the oung man who married one of Lyndon Johnson's secrearies and was rewarded with an appointment to the ubversive Activities Control Board. Or perhaps his lack f interest was caused by the deep collusion of the avings and loan institutions in questionable slum real state deals. Patman has always been strangely—one is lmost inclined to say suspiciously—obtuse in recognizing ny evil in the savings and loan industry.

Another important fight in which Patman figured ast session had to do with the One-Bank Holding Act. In 956 Congress passed a law forbidding the control of onbanking corporations by holding companies owning nore than one bank; the objective was to prevent the uildup of too much strength in outfits combining both anking and nonbanking interests. But one bank was nough of a loophole, and since 1956—and especially in he last few years—holding companies built around one ank have proliferated in a frightening way.

In 1956 there were about 100 one-bank holding companies. Today there are more than 1,000. Some are enormous. The banks in holding companies have total deposits of more than $180 billion (43 per cent of all commercial bank deposits in the United States) and the nonbanking sides of these enterprises reach into everything—agriculture, mining, insurance, manufacturing, real estate, wholesale and retail sales.

Legislation introduced by Patman would have forced *all* one-bank holding companies formed since 1956 to divest themselves of nonbanking activities, and would have specifically prohibited banks from engaging in certain nonbanking activities such as insurance, travel agencies, accounting, data processing, and equipment leasing. These prohibitions became known as "Patman's laundry list."

Because he has himself been a significant shareholder in insurance companies and has close friends who own insurance companies, Patman was suspected of pushing this legislation simply as the supporter of one special interest against another. That motivation may have been part of it, but the major one surely must have been Patman's lifelong desire to hold big banks in line. In any event, Patman was thoroughly trounced when he led the House delegation into the conference committee with the pro-banking Senators. What emerged from the conference, and what was passed by Congress, was a Bank Holding Act riddled with loopholes.

Under the law that now goes into effect, one-bank holding companies that were organized prior to June 1968 are pretty much in the clear. Companies organized since that date may have to break up—but they have ten years to juggle themselves around before doing so. And when they finally do theoretically break up, they are guaranteed what Senator Sparkman, always the pal of the big banks, proudly called "relief from an undue tax burden as a result of such divestitures." As for the "laundry list" of prohibited bank activities, that was thrown out entirely.

Furthermore, to the extent that reforms are made, they will be made under the jurisdiction of the Federal Reserve Board, which of course is notoriously dominated by big banks. Oddly, the Fed's control was approved by Patman, though he has made a career of damning that institution.

Being defeated is nothing new for Patman, and under the circumstances—considering the massive lobby that opposed his efforts—it was nothing to be ashamed of. But his subsequent actions were inexcusable. He pretended that he had won. He claimed—falsely—that the bill would, for instance, prohibit banks from being in the insurance business. He pretended that the bill he brought back to the House and endorsed was a good bill. It was in fact a wretched piece of legislation, and to put the Populist stamp of approval on a bill tailor-made for the fat cats of the New York financial world was a real perversion of his supposed ideology.

In some ways what has happened to Patman can be compared to what happened to William Jennings Bryan, who, after being the Presidential nominee and mouthpiece for the Populist Party, wound up in the pitiful role of "house Populist" in the Democratic Party. The reactionary Woodrow Wilson did to him what LBJ and the Texas Democratic Tories have done to Patman.

Now that John Connally, LBJ's alter ego, has become Secretary of the Treasury, we can anticipate only more capitulations on Patman's part. To the extent that he is saved from that, one can credit his staff, for in the main he has surrounded himself with a strong, tough radical group. They have often prevented Patman from giving in to his partisan weaknesses in the past.

But a better way for Patman to salvage his reputation would be simply for him to resign. It is ironic that he can't see this. The incumbent he defeated for his Congressional seat in 1928 was a decent fellow—he fought the Ku Klux Klan, he kicked the special interest lobbyists out of his office. There was only one thing wrong with him. He was old. And that was the only issue Patman had to run on. He argued that Congress needs young men. The man who took that stand forty-two years ago is now 76. □

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'OPENING TO THE EAST'

PAUL WOHL

Mr. Wohl is the Communist affairs and Soviet specialist of The Christian Science Monitor. *He is a founder and former president of the American Society for the Study of the German Democratic Republic.*

In West Berlin, near the radio tower, stands a huge white building set up after the war. It is oval in shape, the outside segmented; each segment bears the name of a province lost to Poland or Russia. This is West Berlin's Ausstellungshalle, its largest exhibition hall—a monument to the cold war and to Germany irredenta.

A Pole reading, hewn in stone, the names of Pommern (Pomerania, now Pomorze), West Prussia (now divided up among the provinces of Gdansk, Osztyn and Bydgoszcz), Schlesien (Silesia, now Slansk), etc., or a Russian reading Ostpreussen (East Prussia, now largely Kalingrad oblast) cannot but wonder when this tough energetic people will strike to recover what was lost as a result of Hitler's war.

The commemoration of these once German provinces on the façade of the exhibition hall is a carry-over from a time when the wounds of the war were still wide open. Passions ran high in those days. I remember reading in 1962 on a house front near the East Berlin border in big red letters: *"Tötet Ulbricht!"* (Kill Ulbricht!)

East Germany, officially the German Democratic Republic (GDR), was then referred to only as the Soviet occupation zone or Mitteldeutschland (Central Germany). Where then, one asked, was East Germany? Presumably deep in Poland.

The weather maps in even middle-of-the-road newspapers showed, and partly still show, the weather in the no longer existing Reich up to its 1937 borders.

All this was understandable in an emotionally charged postwar mood. Only this mood was deliberately prolonged and cultivated by the same elements which today oppose West German Chancellor Willy Brandt's "opening to the East."

Foremost among these elements were the cold warriors on both sides of the Atlantic. Today these cold warriors have disguised themselves as political pragmatists. By a quirk of history they are supported by certain GDR dialecticians, Polish superpatriots and Machiavellian operators in the Soviet capital, with the Maoists adding their mite to the confusion.

The debate between Chancellor Brandt's supporters and critics centers on Bonn's nonaggression treaties with Russia and Poland. In addition to the three countries directly concerned, the United States, Britain and France have been drawn into the debate.

This country's involvement came into the open when dispatches from Washington and Bonn pointed to a cooling of relations between the two capitals. As reports, interpretations and reinterpretations filled newspaper columns and the air waves, it became clear tha Washington no longer saw eye to eye with the govern ment in Bonn. London and Paris wavered, but in es sentials supported Big Brother on this side of the Atlantic

The crux of the debate, albeit not its essence, is th status of West Berlin. Without a firm agreement on free dom of access to West Berlin and on the status of th city, it would be difficult, if not impossible, for Chancello Brandt to submit the treaties with Moscow and Warsaw to the Bundestag.

Because West Berlin is occupied by the United States British and French forces, its status cannot be altered without the consent of these three Western powers.

The immediate issue is the West's demand for untrammeled access to West Berlin. Bonn, in addition, seeks easier communications between the two halves of the divided city: the right of West Berliners to visit East Berlin, and vice versa. Access of East Berliners to West Berlin is complicated by the GDR's desire to keep East Berliners and East Germans from fleeing to the West and to prevent special forces saboteurs from entering the GDR.

In a sense, this policy is not so different from that of other Communist-ruled countries. According to a Polish joke, Wladyslaw Gomulka at one time is supposed to have asked an elder of the gypsies what to do about the housing shortage. "Open the Western borders," the gypsy replied.

What makes the GDR's restrictions so objectionable in Western eyes is that they forcefully separate people who for centuries belonged to the same nation. Yet the GDR government is as unlikely to open its borders freely to would-be emigrants as are the other governments of the Soviet bloc.

The problem is especially acute in a divided city like Berlin. But precisely because of the anomalous status of the former capital of the Reich, accommodations are possible.

Just as West Berliners are not allowed to take part in West German elections, East Berliners do not vote for the *Volkskammer,* the legislature of the GDR. As one leaves East Berlin, which has been declared the GDR's capital, one has to cross the controlled demarcation line to enter the GDR proper.

One could imagine an understanding between the GDR and West Berlin, according to which only those with identification cards would have access to the Western half of the city. The GDR would have to be assured that East Berliners would not be allowed to stay indefinitely in West Berlin or to fly from the city without permission of the GDR.

Controls already exist on surface travel through the GDR. However abhorrent for Westerners accustomed to freedom of movement, mutually satisfactory controls could be set up in West Berlin airports. The GDR government in the end might come around to the ancient wisdom of Roman law: *de minimis non curat praetor.*

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The East Germans have repeatedly stated that accommodations are possible. If they could be made, the GDR would have to pledge firmly not to interfere with traffic from and to West Berlin, which until recently has often been held up for days.

Behind these interferences with West Berlin's traffic is the contention that West Berlin politically does not belong to the Federal Republic. The GDR protests against sessions of the Bundestag in West Berlin, with deputies and officials airlifted across the GDR, against congresses of West German political parties or conventions of refugees from now Polish or Czechoslovak territories. The presence in West Berlin of RIAS, an anti-Communist broadcasting station, also is resented. There is objection too to the periodic visits to West Berlin of the President of the Federal Republic who has an official residence in the city. Bonn at present has no legal means for preventing congresses and conventions of private West German citizens in West Berlin. Any such means would be politically so unpalatable that the Chancellor's government might topple.

However, Moscow and the GDR have long accepted West Berlin's financial, economic and cultural ties with the Federal Republic. No one, for instance, objects to West Berlin's using the same postage stamps and the same currency as West Germany.

A solution of these delicate problems is complicated by the fact that the three Western ambassadors first have to come to terms with their Soviet colleague; Washington, London and Paris could veto an understanding over West Berlin. Since the ratification of Bonn's treaties with Moscow and Warsaw seems to depend on such an understanding, the three Western powers could prevent the treaties from taking force. But it has been hinted recently in Bonn that, in the absence of an agreement between the four ambassadors, the Federal Republic might accept President Ulbricht's invitation to negotiate directly and to confront the Western ambassadors with a *fait accompli*.

This is an unlikely prospect, however, because negotiating without the consent of the West would isolate Bonn and weaken the protection of West Berlin. It is doubtful whether the Bundestag would approve such a move: Mr. Brandt's coalition and possibly his own party might split as a result.

This means that the Chancellor's treaties and his entire *Ostpolitik* depend upon the West's continued support. If Washington stands firmly behind Brandt, London and Paris are unlikely to put a stick into the wheels. But as usual with the Nixon Administration, the U.S. stand is ambivalent.

(*1*) Most of American big business is skeptical of West Germany's ruling Social Democrats, out of solidarity with West German big business which would prefer a Christian Democratic government. For German industry the treaties with Moscow and Warsaw are not the issue. Some of the Federal Republic's biggest firms favor the Chancellor's Eastern policy, but oppose his party's stand for the workers' voice in management (*Mitbestimmungsrecht*) and its fiscal policy.

American investments in West Germany at the end of 1969 amounted to $4.3 billion (as compared to $2.1 billion in France); West German investments in the United States amounted to $617 million. Actually cooperation is closer than these figures indicate. Through interlocking directorates and controls, U.S. business interests hold sway in at least half of West Germany's major enterprises, while West German interests in this country are rapidly expanding. This makes for a community of views and would naturally predispose many American business leaders in favor of a more conservative, even right-wing setup in West Germany. It would be farfetched to look for a U.S.-West German business cabal to topple the Chancellor's government, but the skeptical mood of an important part of the U.S. business community seeps through to Washington offices.

(*2*) There also is a personality factor. Brandt and his ministers have not cultivated Washington as intensely as did Christian Democratic governments. Although more West German officials had visited Washington last year than ever before, the Chancellor was in Washington only once and Foreign Minister Walter Scheel and Defense Minister Helmuth Schmidt twice.

Christian Democratic chancellors and their foreign ministers came to Washington much oftener—so often in fact that it was claimed that German foreign policy was made in Washington. Previous West German visitors cultivated retired U.S. diplomats and officials like former Secretary of State Dean Acheson, former Under Secretary of State George Ball, Ambassador John J. McCloy and Gen. Lucius Clay, who in the past had proved themselves to be staunch friends of the Federal Republic. These men are still listened to in Washington, yet emissaries now prefer to attend dance parties, to bask in the Florida sun, or to leave Washington immediately after their official visits.

(*3*) More important was the widening divergence in views of the usefulness of better relations with the Soviet bloc. For years Washington and Bonn have been at odds over their appraisal of communism, over the Kremlin's foreign policy, and over the effectiveness of closer eco-

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nomic ties with Eastern Europe. Doubts about West Germany's continued support of American positions also played a role.

The first issue is a carry-over from the Dulles-Adenauer era. While in Washington anti-communism continues to be the basis of policy, in West Germany there is a more detached approach. Communism cannot be overthrown from outside and most West Europeans feel that one has to seek mutually acceptable arrangements.

The ultimate aim of Soviet foreign policy disturbs Washington much more than Bonn. For the past few years Washington hoped the Soviets would tone down their policy in the Middle East, agree to a nuclear *modus vivendi* acceptable to the Pentagon, reduce their naval sallies into the seven seas, and cooperate in various fields. Now it looks as if these expectations had failed to materialize and that the Soviet hawks are on the wing.

The ruling Bonn coalition worries less about political developments in the Middle East, the oscillations of the United States-Soviet balance of terror and Soviet naval activities. As the West Germans see it, the Soviets badly want peace. Some argue that Moscow is less likely than Washington to become involved in military conflicts.

Also, close economic cooperation with the Soviet bloc is a necessity for Western Europe; the trend toward more East-West exchanges no longer can be reversed. As conservative an outfit as Equity Research Associates of New York, in a study entitled "East-West Trade and America: An Inquiry into the Practical Aspects of a New Reality," calculated that trade between Eastern Europe and the non-Communist world (mainly Western Europe), which had reached a low of $2.29 billion in 1953 (the year of Stalin's death), reached $13.93 billion in 1966, and that the rate of growth of East-West trade between 1960 and 1966 was 15.6 per cent, compared with 9.4 per cent for the external trade of the non-Communist world during the same period. This trend has been accelerated in recent years.

According to Andrew Brichant, the author of this study and one of Wall Street's top financial analysts, the structure of East-West trade "belies the widespread conviction in the United States that trade between the two halves of Europe has been and is a one-way street, supported by massive long-term West European credits to the East European countries.

"What is needed," wrote Mr. Brichant in his conclusions, "is a policy which, while it postulates the necessity for a strong defensive military posture, yet has as its primary aim to work out new forms of reconciliation and cooperation with the Communist nations; a policy that does not eliminate . . . forceful competition between East and West."

This is what lies behind Brandt's Eastern policy, just as it was behind Christian Democratic Chancellor Kiesinger's "opening to the East." Only Brandt pursues this policy more actively. West German industry is more in need of orders from the East than in Chancellor Kiesinger's day. New orders increased relatively little in the second and third quarter of 1970, and declined in October. West German business "views the state of affairs in 1971 with little confidence and much apprehension" (from the New Year's message of the President of the Federation of German Industries).

Chancellor Brandt believes that closer relations with the Soviet Union make sense not only economically but will in the long run loosen the Kremlin's policy of rigidity and pave the way for progressive trends inside communism. American opponents of this policy believe, on the other hand, that West Germany's closer economic cooperation with Moscow strengthens Soviet militancy. Some American analysts even think that West German industrial credits may give Moscow a new lease on life. These analysts anticipate, as did Mr. Dulles before them, the disintegration or even collapse of the Soviet system, and are opposed to anything that might strengthen it.

Brandt's opponents also fear that West Germany's *rapprochement* with Moscow will tend to neutralize that country and deprive American diplomacy of its continued support. And as West Germany goes, Washington fears so goes Western Europe. The Chancellor has tried to overcome these objections by preparing the way for Britain's entry into the Common Market. If the Federal Republic had to face not only Paris but also London it would be harder for Bonn to desert Washington, if this were its intention.

The controversy between American supporters and opponents of Chancellor Brandt's Eastern policy came glaringly into the open in an exchange of guest editorials in *The New York Times* of January 5 and 8 by former U.N. Ambassador Arthur J. Goldberg and former Under Secretary of State George Ball. Mr. Ball's main argument was that Bonn's agreements with the USSR and Poland offer the Soviets "substantial gains" while "the West Germans derive little from the treaties but a sense of good feeling."

Other American critics belittle the economic advantages. These critics point to the fact that the Soviets in the past always have been most eager to do business with their political opponents and that Soviet trade peters out once a country becomes friendly. The Soviet effort to step up trade with Franco's Spain is an example. At first sight these arguments are impressive, but only in the view of a cold-war philosophy which assumes that communism is evil and cannot change.

The Chancellor, and most West Europeans, see it differently. The fact that a nonaggression pact could be concluded has relieved the Kremlin of the bugaboo of West German revanchism. Assuming that the treaty will be ratified, restrictive Soviet domestic policies can now no longer be justified by the need to remain vigilant in the face of a hostile Germany.

As West German technicians enter the Soviet Union and cooperate in setting up new industrial enterprises, the psychology of Soviet-West German relations is bound to change. The presence of Italian, British and French technicians already has brought about a climate reminiscent of that existing in the thirties, when several thousand European and American specialists (including this writer) worked side by side with their Soviet counterparts.

The prospects for a loosening of Soviet restrictions are better today than then, when Hitler threatened world peace and the oversuspicious Stalin feared foreign specialists as potential spies and saboteurs.

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The *rapprochement* beween East and West naturally will take some time. There may be setbacks and disappointments for both sides, but there is no other way to a durable peace. Whether Mr. Brandt will succeed in his bridge-building efforts is not certain. His treaties with the USSR and Poland will not be ratified unless the West Berlin issue is settled, and such a settlement could be blocked by Washington. The cold warriors are not the only opponents of the détente he seeks. There are other opponents in Moscow, Warsaw and East Berlin.

The Soviets are cultivating their contacts with Brandt's political enemies in the Federal Republic, and have little doubt that even a government headed by Franz-Josef Strauss probably would present the pact with Moscow to the Bundestag for ratification. Hitherto it has been Soviet policy to prefer agreements with Western conservatives over those with Social Democrats or Labourites.

A Christian Democratic government headed by Messrs. Strauss, Kiesinger or Barzel might not be as finicky about West Berlin as Brandt must be. Washington, too, might be more accommodating.

However, if the Chancellor falls, through the intransigence of East Germany's Walter Ulbricht or for other reasons, the treaty with Warsaw is unlikely to be presented to the Bundestag. Not only has Polish prestige suffered as a result of the recent riots but, as the inscriptions on the West Berlin Ausstellungshalle testify, there still is resentment in West Germany over the Polonization of once German territories. And Poland, as a prospective market, ranks far behind the USSR.

Though General Secretary Leonid I. Brezhnev has praised Brandt's treaty with Poland, Russian policy always has been to keep Poland weak. It is not forgotten that in 1920 General Pilsudski, supported by a wave of nationalism, occupied Kiev and hoped to extend Poland from the Baltic to the Black Sea. Nor have Slavophiles forgotten that after Boris Godunov's death, a Polish army with a Jesuit-trained pretender to the Russian throne occupied Moscow for twelve years. Such thoughts and memories are still alive in the Russian military, whose influence has grown in recent years.

Opposition to the treaties also exists in Poland. The "partisans" of General Moczar, the second most influential member of the new Politburo, originate largely from territories which now are Russian or Ukrainian. West Galicia, with its capital Lwow (Lemberg), was a center of Polish culture even under the Hapsburgs. The Poles from Lwow now live in the newly acquired, formerly German, territories where General Moczar has many followers. Since Brandt's treaties guarantee not only Poland's western borders but also have declared borders in Eastern Europe inviolable, some of General Moczar's partisans are not too happy about the treaties.

Last but not least, the GDR government may not be altogether certain to gain from an agreement on embattled West Berlin. While the treaty between Bonn and Moscow stipulates the inviolability of the GDR's border with the Federal Republic, the issue of West Berlin has not been settled. And the Maoists, taking advantage of the confusion, do their best to kindle suspicions between Bonn, Moscow, Poland and the GDR.

However one looks at it, the immediate prospects for Brandt's Eastern treaties are uncertain. He has taken a bold step forward toward a new era of peace in Europe, but whether he can advance on this road is questionable. It has happened before that Social Democratic or Liberal initiatives were brought to fruition by Conservatives. The crazy quilt of the past, from West Berlin's Ausstellungshalle to General Moczar's nostalgia for Lwow and Russian memories of Polish aggression, is hard to sweep away. □

SEATTLE CONSPIRACY TRIAL

The Orderly Perversion of Justice

BERNARD WEINER
Mr. Weiner, an editor of Northwest Passage, *is the author of an earlier story on the Seattle conspiracy in* The Nation, *November 2, 1970.*

Seattle

To understand why after only eleven days the Seattle "conspiracy" trial ended in a mistrial, and why the courtroom itself erupted into a fist-swinging melee, and why the defendants were sentenced on contempt of court charges for from six months to a year, and why they were held without bail for a month in widely scattered jails in California and Washington—to understand these unexpected events, one must look at social and psychological factors as well as the obvious political ones. The Seattle trial was a bald contemporary drama acted by the inexperienced forces of youthful activism, and the nervous wielders of Establishment power; it can serve as a preview for what could become a common type of political theatre during the next few years.

THE CHARACTERS. U.S. District Court Judge George H. Boldt is 66 years old, with eighteen years of service on the bench. He is known by lawyers as "the great expediter," "the master of the fast trial," and an autocrat who runs one of the tightest, no-nonsense federal courts in the country. He is not used to being challenged, has a low boiling point and a fiery temper. He is a deeply conservative Christian, and is equally as conservative politically (he has meted out unusually harsh sentences to draft resisters). He was not the right judge for this case.

Facing him across the bench, and across a generational-cultural gap of monumental proportions, were seven radical activists, most in their early 20s. They made it

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clear that they detested everything for which Boldt stood, and that they were committed to a social and political revolution which would radically change the current American institutions fostering militarism, racism, inequality, poverty, etc. Their federal indictments were the result of their success in organizing protests against the severe contempt sentences meted out by Judge Julius Hoffman in the Chicago conspiracy case; ironically, they were to be jailed a year later on the same sort of charges. Like their Chicago compatriots they were determined not to submit meekly if and when Boldt's court began to resemble Hoffman's. In reaction to harassment their courtroom behavior quickly evolved into a type of radical theatre, aimed at allowing the jury inside and the public outside to view directly their personalities, social concerns and lack of fear in the face of governmental intimidation. Thus they constantly interrupted the proceedings with comments, denials, questions, and occasionally with what polite society regards as obscenities but what passes for vocabulary in the informal street culture.

However, unlike the Chicago defendants or various Black Panther leaders who had amassed years of experience in political confrontations with governmental authority, the Seattle 7 were new at the game; they came out of a white middle-class background, were unknown nationally, hence (the government believed) would serve as perfect examples for a crackdown on white-radical urban dissent across the country. Being relatively inexperienced, the Seattle 7 made mistakes, tended to overreach themselves in their theatrical efforts—especially the younger defendants, two of whom were barely 20. While attempting to bring the juices of the real world into the legal desert of the courtroom, and to discuss their political beliefs openly, their nervousness and inexperience (and the constant tension of possible 10-to-15-year sentences hanging over their heads) forced them into increasingly fearful, volatile postures.

Boldt, aware of his hard-line reputation and emotional sensitivity, tried hard to give the appearance of fairness; he didn't want to "do a Hoffman." But he was incapable of really *listening* to what these young defendants were trying to say; his obtuseness and rigidity drew reactions. The judge's initial response to the defendants was to ignore their interruptions, then to lightly admonish them, then to warn them of possible contempt sentences in some indefinite future. His temper was being frayed, and his own nervousness and inexperience with the dealing of obstreperous defendants became evident—a very real problem for an increasing number of judges handling political trials in contemporary America.

Even before the trial began, as Boldt was considering the alternatives open to him in the event the defendants were disruptive, one that intrigued him was the declaration of mistrial. The idea was already in his mind and when his temper gave way—which, perhaps not coincidentally, occurred at the very moment the government's case began to fall apart—Boldt reached for the device of the mistrial. He acted, he said, "for the benefit of the defendants," claiming that they had prejudiced their case before the jury. He did not poll the jury to see if indeed this was the case. Newsmen did their own poll, and learned that Boldt was badly off the mark; all the jurors they asked were either apathetic or sympathetic toward the defendants.

THE TRIAL. The prosecutor was U.S. Attorney Stan Pitkin the young and vaguely moderate Nixon appointee, reported to have been originally opposed to the government's indictment. When it became obvious that the case was originating not from his office in Washington State but from that of the Attorney General in Washington, D.C., Pitkin—a politically ambitious man—decided to try the case himself. In the main, the government's case rested upon the testimony of a highly paid FBI informer, a paint salesman named Horace Parker who claimed to have infiltrated a Weatherman cell in Seattle the previous year; even though the Weathermen were not on trial, Parker spent much time telling horror stories of drugs, sex, ideology and weaponry. Finally, he got around to the defendants, talking of their "conspiratorial" rhetoric during the week preceding the February 17th demonstration. (How this was supposed to prove the government's second charge—that some of the defendants crossed state lines in December of the previous year in order to incite the riot of the following February—was, to understate, somewhat unclear.)

Under cross-examination by Chip Marshall, one of the two defendants without counsel, Parker admitted to an astonished jury that he despised the defendants and what they stood for and would lie if necessary in order to put them away. Pitkin lowered his head as his case flew out the window. (One of the jurors later told the defendants that after hearing the informer's admission of willingness to perjure himself, he would never believe the government again and would have held out for acquittal even if he had to hang up the jury for two weeks.) Pitkin was so shaken that he was unable to proceed with the case for nearly a day and a half, having no other witnesses ready. (It is significant to note that though Boldt was extremely cooperative with the prosecution, even *he* was angered by Pitkin's delay. However, all Pitkin got was an admonishment, whereas for a few minutes' delay, as will be explained below, the defendants got six months in prison. Later, Boldt's refusal to permit a two-minute summation by a defendant precipitated the near riot in the courtroom. Such are the distinctions made by "the great expediter.")

THE MISTRIAL. Most media reported that Boldt declared a mistrial because the defendants refused to come to court. The facts differ a bit. Only sixty-four people could be admitted into the small courtroom gallery that cold rainy Thursday; about thirty remained outside in the driving rain. The defendants were meeting in their special defense room to find some way to get them indoors. They had suggested to the court that the unused room next to the courtroom be made available, with sound piped in (they offered to pay the cost); request denied. They next suggested that, at the very least, the thirty be allowed into the vestibule of the building, three floors below; request denied.

Boldt, meanwhile, entered the courtroom and saw that the defendants were not present. He asked the defense lawyers to seek out their clients, and he retired to his

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ıambers. The attorneys told the defendants to get a move n, but they were still arguing among themselves; while ıe discussion went on, defendant Jeff Dowd—accomanied by defense counsel Lee Holley—walked down the allway and loudly pounded on the judge's door. When oldt opened the door, his face was chalky with fear at ıe sight of this hulking, long-haired revolutionary freak; e didn't want to listen to Dowd's story of the rainrenched spectators ("Those kinds of people can stand ı the rain," Boldt reportedly said), and summarily delared Dowd in contempt for causing this hallway disturbnce. When the others heard of Dowd's contempt citation, ıey had one more item to discuss: they wanted an imıediate hearing on the charge. Boldt sent the bailiff down ɔ tell them to get to court; they asked for five minutes ıore, which was granted. As the clock ticked off the fifth ıinute, Boldt became so flustered he could barely speak; e marched down the hallway. The defendants maintain ıat just as they opened their door to exit, Boldt appeared houting "I order you to court!" They attempted to explain hat they were on their way anyhow, but the judge turned ıis back and strode back to his chambers.

Defendant Marshall entered the courtroom first and ound, to his and everyone else's surprise, that the jury vas already in the box, a clear break with precedent: ɔreviously, the bailiff had asked both sides if they were eady before having judge and jury enter the courtroom. Marshall began addressing the jury directly, apologizing or the delay; just as he began explaining the rain situaion, Boldt entered, heard Marshall addressing the jury, ɔlew up, and said that by their actions that morning the lefendants had clearly prejudiced their case before the ury. He then declared the mistrial.

Some supporters of the Seattle 7 maintain that the whole thing was engineered in order to get the mistrial, he government's case having fallen apart. That would be lifficult to prove, though the unexpected presence of the jury does make it at least a possible explanation.

CONTEMPT AND THE BRAWL. The following Monday, Boldt read his contempt citations against the six male defendants (Susan Stern had been excused for illness and was not present for the Thursday scene); he cited them summarily for contempt for the "totality" of their behavior during the eleven days. By citing them summarily—which means that he personally witnessed their misconduct—Boldt avoided any jury hearing on the charges; the defendants tore up the contempt citations and threw them in the air.

The defendants then began their permitted remarks prior to sentencing, twenty minutes each. Most, with the exception of Michael Lerner (the former assistant philosophy professor, who wore a suit and tie to court), represented themselves as the vanguard of a youth revolution which would sweep the Boldts of the world out of power; Lerner's speech consisted of a recitation of the facts of the Thursday incident, and how poor communication on all sides had led to overhasty reactions by the judge and the defendants. (However, even Lerner couldn't refrain from characterizing Boldt as "berserk" and "loony" for calling the mistrial so abruptly and emotionally.) Dowd, at the conclusion of his statement, objected to the daily opening ritual where Boldt would stand facing the American flag. "This is the flag that deserves to be up there," he said, and presented Boldt with a large red Nazi flag emblazoned with a black swastika. Boldt was visibly shaken, and the tension level rose still higher in the courtroom.

Though Mrs. Stern had not been cited, the judge finally permitted her to speak after warning her of possible contempt charges. She delivered the most dramatic speech of the day in this courtroom that was literally at the bursting point of tension. After she had gone twenty minutes in her denunciation of American imperialism, racism and judicial repression, Boldt ordered her to sit down; she persisted, and he finally said she could speak if she would bring her remarks to a conclusion. But a minute or so later, he again ordered her to cease; she continued to argue the point, and he cited her for contempt. Marshals surrounded her. A spectator seated directly behind me jumped up and shouted that it was the judge who was in contempt of American justice; marshals moved toward him. Chip Marshall then said: "I'm not going to take any more of this bullshit," and started to leave; marshals surrounded him.

Marshals began laying hands on two defendants and one spectator; this was the flash point. As the marshals struggled with diminutive and ill Mrs. Stern, defense counsel Michael Tigar—the tall UCLA law professor—moved in her direction to aid her; two marshals slammed Tigar up against the wall, forced him to the ground, and squirted a chemical agent in his eyes. He shrieked in pain. By this time, all hell had broken loose and the place was filled with about fifty U.S. marshals and FBI agents struggling with defendants and spectators.

After the courtroom was cleared of all but lawyers and press, Boldt ordered court reconvened; as we were walking back in, I asked defense counsel Jeffrey Steinborn what he thought was going to happen. With a sickly smile, he said: "We're all probably going to be charged with interfering with the orderly perversion of justice." The handcuffed defendants were brought back in, to hear Boldt cite them all with the exception of Lerner with contempt of court for their participation in the brawl; he said, with questionable logic, that their behavior that morning "proved that my declaration of mistrial had been well-founded." He sentenced them to six months maximum, as he also did for the six male defendants on the earlier contempt charge. Five—Dowd, Marshall, Joe Kelly, Mike Abeles and Roger Lippman—will serve a total of one year; Lerner and Stern, six months each. Though he said he was inclined to, he did not cite any of the attorneys, intimating the bar would take care of them, a suggestion which the local Bar Association jumped on as it scheduled an investigation.

The contempt sentences, Boldt said, would be served before any new trial begins, in the hope that the defendants will "reconsider" their courtroom behavior. If they behave the same way next time, he suggested, the same pattern would no doubt be repeated: a mistrial and long contempt sentences. Boldt then astounded the courtroom by concluding that he had no doubt that his daily prayers for strength, patience and understanding had been answered by God and that he had been fair and just. "I be-

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lieve Divine Providence may have given this court and others guidance to an effective solution of disruptive trials. I pray it may be so."

BAIL DENIED. The next day, Judge Boldt denied bail, saying that the defendants were "a danger to the community" or would flee if released. Realizing that his basis for denial was shaky, Boldt in the same order said that if his ruling were overturned by the Ninth Circuit Court of Appeals in San Francisco, he would order bail to be set at a staggering $25,000 each.

The Ninth Circuit Court heard the appeal, and ordered Boldt to set bail immediately. Boldt responded by refusing to abide by the decision, saying, "I think it is wrong"; he asked the higher court for a "clarification" of its very clear order. "I have never heard anything like it before—a judge defying a court of appeals order!" said Steinborn. Perhaps out of deference to an old, respected jurist, the appeals court agreed to a delay of several weeks to give the government an opportunity to present more arguments as to why bail should be denied; during the interim, the Seattle 7 were split up and moved to various jails along the West Coast. The appeals court also granted Pitkin's motion to expedite the review of the contempt sentences, and set February 11 as the date for that hearing. The intent of the government seemed clear: by continually stalling, the 7 could be kept locked up away from Seattle—where they would become instant leaders in organizing protests and demonstrations.

An FBI report was submitted by the government claiming that the 7 are "as dangerous as Eldridge Cleaver and Angela Davis"; Boldt, Pitkin, the chief FBI agent and the head U.S. marshal all submitted affidavits claiming they "fear for their lives" if the 7 are released on bail. The Ninth Circuit Court held there was no basis for denying bail and, for the second time, ordered the defendants released.

COMMUNITY REACTION. As might have been expected, the regular media in the Pacific Northwest played up the courtroom antics of the defendants and attempted to present the best side of the prosecution's case; the "underground" media played up the political arguments of the defendants and reported on holes in the government's case. The average Seattleite's impressions were sketchy and distorted, because of unclear reporting by the media; reports in the national press were even more truncated and misleading. On the other hand, enough information was getting out, even in the Establishment media, to indicate the irascibility of the judge and the loopholes in the government's case. Many straight middle-class citizens I spoke with questioned the government's almost paranoid desire to punish these young people in what was apparently a manufactured case; the long-term implications of that middle-class support are hard to assess at this stage. There have been few, if any, editorials in support of Judge Boldt's handling of the trial or treatment of the defendants, a clear indication that even the regular press appears to be somewhat leery of what went on in the Tacoma courtroom.

EFFECTS. The radical movement in Seattle is wrecked. The Seattle Liberation Front, the loose coalition which the 7 founded and led, is all but defunct, with but a few collectives surviving. The rest of the movement, reflecting the current malaise and confusion of activists across the country, is fragmented, analytical, bickering. The behavior of the defendants, both prior to and during the trial, alienated many actual or potential supporters (the male defendants were brutally denounced for "male chauvinism" by a radical women's collective). The willingness of the government to railroad young activists, here and elsewhere, has had the chilling effect on radical organizing which the Nixon Administration hoped for when it brought the indictments. The message of the government to radicals and would-be dissidents is to lay off tough dissent. This will force would-be activists into relative quiescence or terrorism. ("There is much more talk of revolution in Seattle now as a result of the government's behavior in the 7 trial," a local lawyer told me.) Terrorism is welcomed by the Nixon-Mitchell mentality, for such universally condemned activity makes it easier to crack down forcefully on all types of dissent, as Trudeau did in Canada. There is also an increase in hard-drug activity among Seattle-area youth, perhaps attributable to retreat from activism into escapism.

On the other hand, as a result of this heavy-handed attempt to stifle dissent in Seattle, many more persons have become at least inwardly sympathetic to the radical cause, and active in the various demonstrations and rallies which are held regularly in the Seattle-Tacoma area in support of the 7. If and when some of the heat dies down we may witness an even stronger, more mass-based radical coalition in the Pacific Northwest.

IMPLICATIONS. As America moves into an era of increasing political ferment, we can expect to see more such trials. Most judges are ill-equipped to handle them. They haven't yet worked out feasible and fair methods for dealing with defendants who refuse to be intimidated by government power and courtroom tradition. Glass-enclosed booths, separate rooms with closed-circuit TV, binding and gagging, immediate contempt sentences overnight or on weekends are all under discussion. And judges are not used to being subjected to intense public scrutiny in their heretofore private domains. In addition, there are very real racial and generational gaps—in language, attitude, life styles—which trouble even the most conscientious judges.

THE FUTURE. Appeals of the contempt sentences, and appeals of the mistrial, will wind their way through the federal court apparatus, probably taking years to sort out. If the final ruling is that Boldt erred in declaring the mistrial, there is doubt that the 7 can be tried again, under the "double jeopardy" clause of the Constitution. But even if Boldt is upheld, there is doubt the government will wish to try the case again two or three years from now, having in a sense made its point already. There is no certainty that the Nixon Administraion will then still be in power. In the interim, we can expect the Seattle 7, wiser and more alert to the pitfalls of political protest, to join countless other young (and older) Americans in attempting to restructure American society. □

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BOOKS & THE ARTS

'The Unconsenting Spirit': Poetry and Politics

M. L. ROSENTHAL
Mr. Rosenthal is a teacher, critic and poet. His latest book is Beyond Power: New Poems (*Oxford*).

I was long ago struck by the closing lines of the *Aeneid*. There, at the single point of irreversible emphasis, the poem's attention leaps from the wrathful power of Aeneas to the refusal by Turnus, after all, to grant the hero anything but physical primacy. Aeneas, harbinger of the imperial Roman state, has mercilessly slain Turnus, who embodies the resistance of a primal, kinship-oriented, locally idiosyncratic mode of life. As the poem ends, we are told (in the Day Lewis translation) that "with a deep sigh" Turnus' "unconsenting spirit fled to the shades below."

This is the divine elusiveness of poetic process. By its very nature it can turn an epic designed to glorify the state into its opposite—a "protest poem," if you will. Aeneas and Turnus are, say, the two faces of Mayakovsky. The poetic process, through its fluid medium the language, subverts all established positions or formulations, whether revolutionary or counterrevolutionary.

Modern poetry isolates the process from superimposed argument or narrative. It moves in a volatile context. History dramatizes itself in broad, crude sweeps, but the realities of minute experience and of our emotional dynamics make up the crystal particles of the dreaming, creative sensibility that is our subjective life. Many critics, most recently Michael Hamburger in *The Truth of Poetry*, have noted the reactionary political bent of some of our greatest poets, such as Yeats, Pound, Eliot and Rilke, as well as the curious veering between political extremes of many poets from Baudelaire to Gottfried Benn. Yet these same poets, I believe, have given us by far the most revolutionary critique available of the whole range of bourgeois life and thought, of the philistinism of power, and of the totalitarian impersonality toward which the present age, in whatever ideological guise, is ever more tending. The horror of violence in Yeats's great political sequences, and of war—specifically, World War I—in Pound's *Mauberley* are inseparable from this critique, quite apart from the explicit political statements and actions of these poets.

Modern poetry is revolutionary—not your revolution or mine, however, but *its*. It subverts dogmas, liberating the intelligence to improvise a deeply "human universe" (Charles Olson's phrase) out of our true needs. It does not accept the cant phrases deployed for the subjection and murder of millions, but it does accept the danger and treachery that lurk within our thoughts as a tragic condition of existence. It is thoroughly international. One can as readily compare Cafavy, Vallejo, LeRoi Jones with one another as with their compatriots. They can be seen as at three different but related phases of the historic explosion and re-formation of modern sensibility, though each of course conveys as well the personal and national coloration of his innermost self.

Cafavy's "Waiting for the Barbarians," for instance, takes us to no political program but to a sense of dead loss precisely in that innermost self. The poem arrays the traditional symbols and language of political authority and of advanced civilization, especially in their Grecian manifestations, against the advancing terror of nothingness. We are free to discern the ironic coexistence of many possible contexts within this simple poem.

César Vallejo, the Peruvian poet whose *Poemas Humanos* were recently translated by Clayton Eshleman, far exceeded those English-speaking poets who tried to give body to Spain's agony in the Civil War. He did not write programmatically. He did not need to prove anything. He assimilated the Spanish agony to his own childhood hunger, as it were; his language was true to his entire consciousness. A revolutionary, he did not resort to slogans and ideological clichés. No one has had to write of him, as Ben Belitt did of Neruda, that "the tyranny of the partisan position is apparent throughout." Belitt did go on to say that Neruda is redeemed by what Rilke, in the *Ninth Elegy*, calls "the other relation," arising from his poetic subjectivity, which "constantly draws the poet away from the entrenched point and the limited commitment; from 'false astrologies' . . . and all the apparatus of historical and theoretical positivism, to the 'enigmas' which have always been the 'general song' of creation."

The "other relation" is what dominates Vallejo, who had a poet's sense even of the word "political" and who wrote:

There comes over me days a feeling so abundant, political,
for passion, for kissing tenderness on its two faces,
and comes over me from far away a demonstrative
passion, other passion to love, willingly or by force,
whoever hates me, whoever tears up the child's paper,
the woman who weeps for the man who was weeping . . . .
whoever gives me what I forgot in my breast
in his Dante, in his Chaplin, in his shoulders.

I want, in order to end,
when I'm at violence's celebrated edge
or my heart swollen size of my chest, I'd like . . .
to care for the sick exasperating them,
to buy from the salesman,
to help the killer kill—terrible thing—
and to have been in everything
straight with myself.

In this untitled poem, from which I have quoted the beginning, a middle passage, and the ending, the concept of the "political" enters the speaking personality as an energizer of universal relatedness. The poet's sensibility becomes an encourager of everything that is, including things and forces he hates, with a certain confidence that the process will bring out the Dante and Chaplin in everyone—the risk of thought and feeling that I mentioned earlier. The volatile context of aroused awareness is limited only by the mind's capacity for conception and empathy. It would be easy to show exact correlations between what goes on here and what goes on in Yeats's political sequences, despite great technical differences.

Whatever one thinks of Vallejo's or of Yeats's explicit positions, neither of them was cowed by commitment. Both followed through into that objectified involvement that allows a poet to place a given moment in which a poem is centered into a context at once tragic and comic. Auden's "Spain 1937," with its refrain "But today the struggle," moves nobly into the voice of a revolutionary orator haunted by tragic vision and by a comic sense of infantile inadequacy; but it is finally limited, despite some beautiful, unforgettable notes, by its self-conscious politicality. How unspeakably greater was the failure of Roy Campbell's counterrevolutionary voice in *Flow-*

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ering Rifle. Campbell worked himself into a state of political frenzy but not of poetic awareness. It was not only his reactionary position (just a starting point, as Yeats's famous account of the composition of "Leda and the Swan" shows) but even more his boring inability to rise out of a peculiarly vile literalness, that defeated him. Jerzy Pieterkiewicz, in *The Other Side of Silence*, observes penetratingly that Campbell's real success in projecting what Spain meant to him poetically came in his apparently apolitical translation of St. John of the Cross. I would add a further point. The Popular Front in Spain seemed to Campbell a violation of an order of mysteries that he falsely identified with the political Right. Actually, no poet, however Left, could resist the poems of St. John as a cluster of perceptions true to subjective reality.

Closer to our own moment, a complex example of poetic involvement with political motives comes in LeRoi Jones's "An Agony. As Now." Jones, best known as a literary spokesman for Black Power, has in recent years advocated a rather fierce black racism. Yet the ambivalence of his plays, and, even more, of his poems, gives us an inward psychological view closer to the reality of his world than such terms as "Black Power" and "racism" could possibly suggest. The poem "An Agony. As Now." holds several psychological states in related suspension. Among these are a state of inarticulate suffering and frustration, a state of outward aggressiveness, and a state of confused desire to reject persons and relationships to which the speaker is greatly attached. Clearly, the ambivalence of Jones's split existence is at the poem's center. For instance, he has been close to a group of other poets from whom, because they are white and because he has wished to devote himself to the black struggle, he may have felt he must turn away. The poem says nothing of the sort, though, and nothing about other similar circumstances that come to mind. Detached from its literal referents, yet crammed with concrete images, it takes on the character of mystical vision: "I am inside someone/ who hates me. I look /out from his eyes. . . ."

In these words the speaker, at the start of this poem, presents himself as double in nature. His outer self, toughened and adaptable, loathes and represses and gives pain to his inward self. Jones's poem is an attempt to fuse the elements of a fragmented emotional life into a single epiphany. It is only in art, and particularly in poetry, that in our time we find a recurrent effort of this sort. The poet may have lost a certain bardic authority, but it is he alone whose word we accept when he reports to us on spiritual experience. Politicians and divines would be suspect; they are alienated from the language of immediacy, nor can they use language as psychically plastic material. The poet alone retains our assent through never being allowed to forget the volatile, treacherous nature of that material.

Implicit in a good deal of current thought is a protest against poetry itself. Both Pieterkiewicz and Hamburger, in the books I have mentioned, trace this development to the self-defeating romantic and symbolist tendency to view poetry as the royal road to metaphysical or political revelation, and to the intrusion of political determinism into art as a result of activist motives. A resulting reaction has been to condemn poetry because of its failure as prophecy in the omniscient sense. In their valuable introduction to *Modern German Poetry 1910-1960*, Hamburger and Christopher Middleton stress the deterioration of German expressionism after 1914, when it tended more toward the programmatically political, whereas early expressionism, like symbolism and imagism, had rediscovered poetry as its own kind of action. One finds, however, in more recent German poetry, a nonprogrammatic negativism centered on a diminished, dispiriting social and psychological landscape. The dreary staunchness of a poem like Ingeborg Bachmann's "Every Day" suggests the best this body of poets can do in the way of morale. It recalls Herbert Read's "To a Conscript of 1940" in its fear of false idealism. The same fear damps down the work of such poets as Enzensberger, Grass, Piontek and Fried —an echo of the world Oskar Loerke sensed coming in 1933, when he wrote of "the anguish of being confronted with terrible consequences, without having done or even known the least thing." Much of this poetry, like that of such Frenchmen as Pierre Seghers, Georges Hénein, and Henri Michaux (in poems with such titles as "Dead in the Midst of Life, the Days That Are No More" and "The Obscurest Sigh" and "Peace amid the Shattering") suggests an exhaustion of psychic energy in the culture.

The French, it is true, give more of a suggestion of movement to remobilize that energy despite obstacles. On both sides, though, the simplifications and quietism are really sloughings-off of traditional ideological burdens. We seem to be returning everywhere to the essential position Pasternak stated in *Safe Conduct*: "The clearest, most memorable and important fact about art is its conception, and the world's best creations, those which tell of the most diverse things, in reality describe their own birth."

Finally, the cry of André Frenaud in his poem contrarily entitled "Night"—that "I am not afraid of joy I am there for it"—does not consent to the dwindling of possibility with which so many poets are today engaged. Sometimes I feel, because I hope, that a new world poetry, unaffected, of the common life and linked to common speech, yet with the high freedom of the great older moderns, is coming to birth—in protest against history, ideology and joylessness. I do not mean that some direct and passionate poetic thrust against the exploitation and torment to which rulers, systems, and the often unwittingly brutal beneficiaries of oppression subject their victims is ever out of order. Nor is that rarer sort of true poem, a vision of the genuinely joyous kindness and love and human purpose of which we are capable. But the soul of a man or a woman is a complex thing no matter how plain, ignorant and unheeding a given person may seem to be. The furthest reaches of feeling and the imagination, the darkest and most brilliant subtleties of thought, are the heritage of all the people, for whom the poets (like other artists and thinkers) serve as transmitters of whole fields of consciousness and possibility. □

JUK SING, OR VARIATIONS ON THE AMERICAN OF CHINESE ANCESTRY

His black, matted hair
fell down over his forehead
clinging to the glass
of his steel-rim spectacles.
His figure—seen gaunt,
even in his burgundy sweater—
jerked in the direction
of his bony right fist, held high,
towards the stage. He gestured
in front of him to the cluster
of five middle-aged mothers,
one sitting with her overcoat on.

Offended, he declaimed.
Where are the Chinese translators!

To one side, leaning against a wall,
I stood by, understanding.
Too bad, I muttered to him,
as an embarrassed white audience
patiently heeded his harangue.

Well, brother, if not, I guess
one of us should do it,
okay?

Wing Tek Lum

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A German Condition

THE GERMAN DICTATORSHIP: The Origins, Structure, and Effects of National Socialism. *By Karl Dietrich Bracher. Translated by Jean Steinberg. Praeger Publishers. 553 pp. $13.95.*

CHARLES LAM MARKMANN
Mr. Markmann, a frequent contributor, is a journalist, critic, novelist and translator. His latest book, The Noblest Cry (*St. Martin's Press*), *is a history of the American Civil Liberties Union.*

In this masterful, indispensable analysis of German National Socialism, Karl Dietrich Bracher, who teaches political science and contemporary history at the University of Bonn, set himself the task of throwing off myth and prejudice and dogma to explore "the multi-causal nature of historico-political processes." One of the results is a demonstration that the Nazi experience was not inevitable but a choice that the German nation could have refused. If there is a lesson that the fall of Weimar and the rise of Nazism have for Americans in 1971, it is this: that it is in a people's hands to decide—if it wants to make the effort of responsibility—what it will be.

Professor Bracher does not totally deny the validity of either of the two prevailing views of the origins of National Socialism; rather he shows that there is truth in both and that neither excludes the other. He examines both schools exhaustively: the one view that National Socialism was one of many totalitarian mass movements in Europe that grew out of the French Revolution; the other that it was specifically German, and inevitable in the light of German history and the German national character. The Germanness of the phenomenon he himself is constrained to emphasize, for his examination of European history since the French Revolution and German history since the Reformation shows how virtually all the ideological strains that were merged in National Socialism had dominated the cultural as well as the political history of Germany and Austria. Moreover, he is explicit in his warning that none of them has disappeared today and that they threaten the Bonn Republic as they menaced Weimar.

Many cherished myths are done to death by Professor Bracher's objectivity and insight. Germany has complained since Luther that it has been encircled by a ring of enemies lusting for its blood; Bracher makes it clear how Germany created this encirclement. It has always been fashionable in the Bonn Republic to insist that it was Weimar's tolerance of an unlimited number of political parties that facilitated the Nazis' rise; Bracher demonstrates that it was party coalitions and alliances that facilitated the Nazis' legal maneuvering, just as it was the cover of respectable rightist parties that permitted the political rise of individual Nazis and their ideas—and is doing so again in the Bonn Republic.

On the weaknesses of the Weimar Republic the author is generally excellent, with one highly challengeable exception. The greatest weakness of that republic, he proves beyond cavil, was that no one really wanted it, and that no one understood what a democratic republic is. The details of the fundamental antipathy to democracy on the part of the army, the bureaucracy—determined to remain a state above the state—the rich, the middle classes, the peasants and, not least, the clergy, are marshaled in devastating array. To all these groups, and even to the labor unions and the Social Democrats—and the German Communist Party—it was unthinkable that a state should be other than authoritarian. They could not handle and did not want any other kind of state. But where one is troubled by Bracher's whole discussion of Weimar is in the area of freedom of thought and utterance, for he is no champion of revolution as a right: "The idea that a militant democracy might deny its enemies the right to destroy the Republic by pseudo-legal means was not firmly enough implanted." He advances, though only to contest it, the pragmatic argument that to drive those enemies underground might well make matters much worse, yet he admits that, when such bans were invoked, they failed. Indeed, in dealing with West Germany after 1945, he describes how government bans on right-wing parties in the early 1950s merely sent their members into the mammoth Christian Democratic Union (Christian Social Union in Bavaria) or the smaller and less respectable Free Democratic Party. He concedes, too, that prohibitions were unable to prevent the birth of the latest of the neo-Nazi parties, the National Democrats, at the moment suffering partial eclipse as many of its votes go to the CDU/CSU and the FDP in a repetition of 1952.

But the roots lay far deeper. Bracher makes the interesting point that racial as distinguished from religious anti-Semitism (which, he confirms, has always been alive and well in Germany), like the whole *völkisch* concept, was brought into Germany 100 years ago from Austria and Bohemia, where the Germanic ruling class was always outnumbered; and he cites Fichte's exhortations of 1807-8 in his *Addresses to the German Nation* to assume a special mission of leadership and redemption of Western man (certainly not an unfamiliar messianic theme in our own language).

This message was to be reiterated by innumerable German intellectuals as well as politicians and soldiers, and it was one of the most important of the powerful emotional themes that helped make National Socialism at least palatable to the German middle class. Hitler was a superb manipulator of emotion, but most observers have been satisfied to believe that emotional politics is effective only with the *Lumpenproletariat* and the frightened lower middle class. It is one of Bracher's virtues that he emphasizes precisely how strong this visceral influence was on the "establishment" of Weimar Germany: the good burghers who really disliked Jews and what the translator unfortunately calls the Jewification of Germany (as they saw it), who also hated and feared big capital and big industry (with which it was easy enough for them to identify their scapegoats), and who were flattered by every reminder of their divine mission to set the standards for Europe and the world.

As Bracher shows with abundant documentation, the Nazis represented one tradition of German political thought that had influenced the whole history of the nation, and that university professors and students alike unthinkingly accepted, abdicating what the author calls "the political responsibility of the scholar." The myth that the German army and officer corps were above politics is one of the historian's early victims—"the history of the German army since 1918 is a history of self-delusion." Another victim is the notion of the superior efficiency of dictatorship: "the widespread idea about the better organized and more effective 'order' of totalitarian one-man rule is a myth all

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too easily believed in crisis-ridden democracies." The decency and supra-political dedication of the career official are exposed for what they are: myopic acceptance of a book of rules and sometimes a total unawareness of moral values. Again to quote Bracher: "The mixture of authoritarianism and vulgar political thinking in Germany was among the essential preconditions for the domestic consolidation of National Socialism and its show of strength in foreign affairs." Another precondition was the consistent underestimation of National Socialism both at home and abroad.

The resistance to Nazism that arose in Germany is extensively analyzed in this book: the reasons for its lateness in developing; the intellectual, moral and political limitations that weakened so much of it; the physical and psychological counterforces that it had to combat. Appearing at first in the labor movement, internal opposition was largely sustained by the Communists in spite of the 1939 German-Russian alliance. What inspired the bourgeois, conservative dissidents and military was, in sum, conscience —revulsion at instances of persecution and savagery as they became known. The churches—regardless of the courage of a few individual clerics, both Protestant and Catholic—were laggard: the Protestants because the state, national loyalty and anti-communism took precedence over all other secular matters; the Catholics because, in addition to sharing this hierarchy of lay values, they had a concordat to preserve. After 1945, Bracher tells us, the Protestant churches did confess their guilt and embark on an analysis of their own conduct; they have not been followed in this by official Roman Catholic bodies. As long as National Socialism lasted, however, no church really sanctioned resistance, let alone the concept of overthrow of the national government. The essentially conservative-nationalist character of almost all the resistance groups themselves is thoroughly documented by the author, and his presentations of Gen. Ludwig Beck and Carl Goerdeler are of particular value in the light of the myths that have grown up in this quarter too. Moreover, Bracher emphasizes, "the end in 1945 did not come about as the internal collapse of a regime that had managed to survive all attempts at resistance and overthrow. Only the military defeat inflicted on it prevented the complete success of this new type of revolution."

Bracher concludes that what he calls the internal presuppositions of National Socialism still flourish in Germany. Also, the ancestral line that it claims for itself, all the way back to Luther, is indeed integral to its history. For this reason he contends that reunification is "no longer a problem of a national state but of democracy and supranational cooperation." And democracy must transcend the national state; the problem is "the whole formative development of German national consciousness." Bracher reiterates here what he has said before: "Not too much but too little democracy, not the danger from the Left but from the Right, have led to catastrophe." The road to democracy, however, he adds, will not be found by way of any of the transitional dictatorships. Yet Bracher warns that there may be much merit to what Thomas Mann said in 1945 of his profound conviction that the German people will never be able to love political democracy because it cannot love politics and therefore deserves and desires the kind of rule it has always had.

The German Dictatorship will anger many readers in many countries. The parallels it suggests for Americans in 1971 need not be labored. But for readers in this country the book will present unnecessary and avoidable difficulties because it assumes a familiarity with modern German history that in the nature of the case is far from universal. Brief accounts, for example, of many of the pre-1914 personalities and developments, of the traditions of the German officer corps, of the Kapp *Putsch* and the other attempts to overthrow the Weimar Republic, would be valuable improvements in subsequent editions. At times too the language is extremely difficult, occasionally to the point of enigma; and non-German political titles should not have been rendered Germanically (e.g., "Minister President Herriot of France").

In addition to the intrinsic evidence of the research that has gone into the book, there is a bibliography of 31 pages covering every aspect of the subject. The index is comprehensive, though there is an occasional omission. The jacket fl informs us that this is the first of Pr fessor Bracher's books on Germany to translated into English; earlier work some with various collaborators, inclu ing Willy Brandt, are cited in the foo notes (which appear where they belon at the foot of the page). One wou hope that these books too will soon available in English.

The present volume does not repla any of the better histories of mode Germany. What it does accomplish is make them at last wholly understan able, and thus it gives us a far great insight into our own period and pro lems. No later history of the rest of th century can be written without referenc to this book. [

LOVE POEM

The lonely pull of blood
at midnight; capillaries
seeping slow in firm
flesh—a closed system.

Touching: the thrill of cool
skin, sing-song of
her breath, the gurgle
of many yards of tubing
somewhere deep, and
always the thump, thump
of her tough heart.

Philip Appleman

The Promise

JORGE LUIS BORGES

Mr. Borges' latest book is The Aleph an Other Stories *(E. P. Dutton). This essay wa translated from the Spanish by Norma Thomas di Giovanni in collaboration wit the author.*

This story was told me in Corone Pringles, in the southwest of the Provinc of Buenos Aires, by Dr. Isidro Lozano He recounted it with such economy tha I realized, as was to be expected, that h had already done so many times before to add or change a single detail would be a literary sin. Here are his words.

These events took place in Prin-gles sometime back in the twenties. I was still fresh from Buenos Aires with my diploma to practice medicine. Late one night, I got a call to come right down to the hospital. I got up grumpily, dressed, and cut across the deserted plaza. In the emergency room, Dr. Eudoro Ribera told me that one of the local political toughs, Clemente Garay, had been brought in with a knife wound in the belly. We examined him. I've hardened over the years but, at the time, it shook me to see a man lying there with his intestines hanging out. His eyes were closed and his respiration was irregular.

"Well, my young colleague," Dr. Ribera said to me, "there's nothing we can do here. Let's let this scum die."

I answered that since I'd gone to all the trouble of getting there at well past two in the morning, I was going to do all I could to save the man. Ribera shrugged his shoulders. He himself was mixed up in politics, and he knew all about Garay. I bathed the intestines, put them back in

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ace, and sewed up the wound. There asn't a sound out of the patient the hole while.

I returned the next morning. The man ad not died. He looked at me, put out s hand, and said, "To you my thanks. o Ribera, my silver knife."

By the time Garay was on his feet again, Ribera had moved to Buenos Aires. From that date on, every year on my birthday I would receive the gift of a suckling lamb whose origin I never cared to look into. Sometime around 1940 or so, the gift stopped coming. □

The New 'Church Militant'

IVINE DISOBEDIENCE: Profiles in atholic Radicalism. *By Francine du lessix Gray. Alfred A. Knopf. 329 pp. 5.95.*

IARVIN KARPATKIN

'r. Karpatkin is an attorney who serves as volunteer general counsel of the American 'vil Liberties Union and of the Central ommittee for Conscientious Objectors.

uring the last years of his turbulent 'e, the Catholic anarchist-pacifist-revolu- ɔnary Ammon Hennacy devoted himself the operation of the Joe Hill Hospital- y House in Salt Lake City, Utah. While siting that city several years ago, I alled on the grand old man, shortly 'ter he completed a Friday night lecture ı Tolstoy. I introduced myself as an CLU lawyer from New York and he ked me two questions: Are you a atholic? Are you a radical?

Ammon Hennacy's Joe Hill House was ı authentic hospitality house in the *atholic Worker* tradition. It ministered multaneously to the physical and spirit- al needs of the Salt Lake City home- ss and a large number of students from earby colleges. All were welcomed to ıe warmth of this tiny oasis in the midst f the fundamentalism and conservatism f Mormon land. But it was plain enough ıat old Ammon had a special embrace ɔr the occasional radical Catholic who ame his way.

Radical Catholics were an oddity just few years ago, not only in Salt Lake ity but everywhere. Francine Gray's ɔllection of profiles of Catholic radicals which previously appeared in different ɔrm in *The New Yorker*), and her ac- ɔunt of their enormous influence on ɔung people, Catholic and non-Catholic, eveals an amazing contrast with the atholic scene as it was until very re- ently.

There was, of course, the small group f zealots gathered around Dorothy Day the *Catholic Worker*; there was the ny Association of Catholic Trade Union- ts; and, here and there, one would hear f a "labor" priest. But by and large the ft-wing movements of the thirties and ɔrties and fifties were without any Cath- olic leadership and substantially without Catholic membership. I remember vividly from my student days in the late '40s and early '50s how difficult it was to find any Catholic cleric or layman of prominence who would publicly identify himself with an unpopular cause. The pre-eminent symbol of the Catholic Church in the United States was Cardinal Spellman insulting Eleanor Roosevelt, welcoming Sen. Joe McCarthy, and using seminarians as strikebreakers against a union of Catholic cemetery workers. The Catholic students were invariably on the Right; the only issues which seemed to concern them were federal aid to religious schools and the danger of Communist subversion. They flocked to ROTC, were big on football and fraternity-sorority life, and many of them aspired to be FBI agents.

These recollections of the recent past make contemplation of the change even more incredible. Today there is no single commanding reactionary figure who stands as a paradigm of the American Catholic. Indeed, the public Catholic image in the post-Kennedy era is more likely to be that of Fr. Theodore Hesburgh, president of Notre Dame and chairman of the Civil Rights Commission; or that of the crusade for peace of Sen. Eugene McCarthy; or that of César Chavez, whose nonviolent leadership of the Mexican-American agricultural workers has a strong religious core. The Council of Bishops has criticized the war in Vietnam and called for recognition of selective conscientious objection. Nuns and priests and seminarians by the thousands participate in militant anti-war and other political actions. The old hierarchy's viselike grip on state legislatures—preventing abortion reform, divorce reform and interreligious adoptions—has been pried loose. At many of the large universities in the country, the place where the students are likely to hear radical speakers is the campus Catholic Church—and the speakers' program is apt to be administered there by a vivacious young nun out of habit.

This extraordinary change will certainly provide ample material for historians, sociologists, psychologists and, of course, theologians. Francine Gray's book does not pretend to be the definitive analysis of the phenomenon. But it is a captivating introduction to several of the most influential movers and shakers, and the movements they reflect.

The greatest portion of the book is devoted to the Berrigan brothers—the poet-priest Father Daniel, and the worker-priest Father Philip—who are now together as inmates at Danbury Federal Prison. Their individual odysseys in the priesthood, in civil rights activism and in the anti-war movement are traced, culminating in the ritual burning—with homemade napalm—of records of Selective Service Local Board No. 33 at Catonsville, Md. The ensuing federal court trial of the Catonsville nine (all Catholics), one of the most unusual judicial proceedings ever to have occurred in this country, is described and evaluated with a perception of the legal issues and the problems of the defendants and their able counsel that is not often found in journalistic accounts. The events surrounding and accompanying the trial, including the massing in Baltimore of thousands of anti-war protesters, the continuing dialogue among the defendants and their supporters about nonviolence, and the unprecedented transformation of the

So Shall Ye Reap

Joan London and Henry Anderson

"Valuable, impressive, enlightening" writes *Publishers' Weekly* of this chronicle of California's farm labor movement from the 1880s to today's successful grape strike—a story that involves Wobblies and "wetbacks," braceros and "bindlestiffs," John Steinbeck, Bobby Kennedy, Martin Luther King, Jr., and Cesar Chavez. *Illustrated* $6.95

hoto by Ernest Lowe

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courtroom into a prayer meeting with all —including the judge—participating, is fascinating to read.

At the same time, it makes for melancholy reflection. The defense was certainly successful in projecting to the jury, and to the entire country, why nine pious, respectable Catholics, clerical and lay, organized to commit this symbolic burning of draft board records. But if any of the defendants or their supporters had illusions that the jury might acquit, they were quickly disappointed. In the light of the admission by all of the nine of the acts charged in the indictment—indeed, they sought and obtained maximum publicity—it was foreordained that the judge would charge the jury that motivations were irrelevant, and that the jury would convict. The theory of "jury nullification," that a jury can express its sympathy and true feelings, in flagrant disregard of the judge's instructions, has very little solid legal foundation in the modern era, and is of no practical import unless the jury—and the community it represents—see the defendants as allies and the judge and prosecutor as enemies. Since this was not a trial conducted by an imperialistic occupying power in a subjugated colony, or anything genuinely resembling it, the attempt to sway the jury never had a chance.

From a legal and political view, the most unusual thing about the trial was that the judge allowed the Catonsville nine unprecedented latitude in testifying about their motivations with elaborate and eloquent detail. This was very different from the Spock trial, the Chicago conspiracy trial, the draft card burning trial of David Miller (another radical Catholic) and, indeed, even most conscientious objector cases. But to expect twelve persons on a jury to have their political orientations so radically changed in the course of a trial that they will nullify the judge's instructions and acquit where the law and facts compel conviction is simply to expect too much of the judicial process.

The trial of the Catonsville nine was indeed a political trial, notwithstanding the violation of law involved, just as the recent trials in Burgos and Leningrad were political trials. But a courtroom, in this country or any country, is a very limited forum. It is naive and self-defeating to expect that radical political change can occur even in the most politicized courtroom. As Francine Gray shows, the defendants in their testimony and the lawyers in their advocacy made full and creative utilization of the unique opportunity presented by the trial. Given the facts and the law, no better case could have been made, and there was undoubtedly a substantial impact on public opinion. The jury did not acquit, but it is probable that thousands of Americans were profoundly affected. And that is about all that can be expected, in the present era in American courts, in any political trial where there is no genuine question of fact and little chance of changing the law.

After the Catonsville defendants were sentenced, and the appeals ran out, some of them, including the Berrigan brothers, decided not to surrender themselves. Philip Berrigan was apprehended rapidly; Daniel Berrigan remained a fugitive for several months. While the appeals were pending, he had written: "The time of taking risks and submitting before the judicial system is drawing to a close" (*The Trial of the Catonsville Nine*, Beacon Press, 1970). Now, while they are for the time being united at Danbury prison, their political and moral campaign goes on, through letters, through stimulation of Congressional interest in their plight, and through a new federal suit to improve prison conditions.

Other profiles of Catholic radicals sketched by Francine Gray are those of Msgr. Ivan Illich and his bishop, Mendez Arceo of Cuernavaca, Mexico. Catholic radicals do not live on activism alone. If the narrative of the Berrigans explains the growth of radical Catholic political action in America, that of Illich and Mendez Arceo illuminates the revolution which is occurring in Catholic theology all over the world, and especially in Latin America. The author's account of the "trial" of Illich (an absurd inquisition by the Holy Office in the catacombs of the Vatican before a candlelit table), and the tribulations of Illich and his supportive bishop explain a great deal about the fundamental struggle taking place to bring the Catholic Church into the modern world.

Another aspect of Catholic radicalism is the attempts at redefinition of the Church community and the search for new and relevant modes of religious expression. The book contains an exciting chapter about one of the "underground" churches where much experimentation is going on, in liturgy, music, social action and communal living. Emmaus House in East Harlem, whose motto is "The bread is rising," a password of the French Revolution, takes its name from the passage in the Book of Acts which recites that the disciples did not recognize Christ at Emmaus until they had broken bread together.

All of the subjects of these profiles are engaged in a divine disobedience —an inspired rejection of the inhuman and anachronistic values and structures which have caused and spread the cancers of war and racism and exploitation and poverty. Each of them, to use the words of Tom Cornell at his draft card burning trial, refused to put the pinch of incense on Caesar's altar. But the heroic men and women of whom Francine Gray has written so well do not just reject the evil. They passionately affirm the one value which sustains and refreshes. As Daniel and Philip Berrigan wrote in a wedding message sent from the penitentiary to young friends:

> We are asked to remember, dear friends, on such a day, that the whole thing, the whole world, the whole of life, is a wedding. . . .
>
> Thus instead of warmaking, we offer lovemaking; instead of fear, dread, violence, exploitation, racism, sexism, we offer—simply a wedding, with all its vibrations of gentleness, inwardness, joy, love unfeigned—and courage. □

THEATRE / Harold Clurman

If you have never before seen *A Doll's House* I suppose it is proper to recommend your seeing it now. (Playhouse Theatre: 357 West 48 Street.) If you do, it will confirm the impression you may have gathered through long years of comment and discussion that it is an artfully powerful tract on behalf of "women's liberation." And indeed, through several generations, it did function for many people on that level. Its importance, historically speaking, had two bases. It constituted a revolutionary step in the probing of marital relationships; and it established a form of dramatic construction which became the model in theatre writing to the end of World War I.

But the play is something more than a revelation of the obtuseness of 19th-century attitudes of middle-class men toward their wives. If it were that only —though it should by no means be assumed that we have rid ourselves of husbandly blindness and spiritual sloth in regard to wives and to women generally —*A Doll's House* might now seem "old stuff."

What keeps it alive, apart from the grip of its theatrical cunning, is the fact that it deals with all human intercourse. The man who is foolish in his family is usually as unmindful in his contact with everyone else—male or female. *A Doll's House* is a "love story" in reverse.

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It exceeds the limitations of a social parable about what every husband ought to understand and what every wife should demand.

What is permanently pertinent in the play demands a production which is a subtle and complex study within the rich stuff of human character seen in the atmosphere of a specific environment. The more particularized its delineation, the more "universal" the play becomes. But it is precisely this living texture—truth of feeling and behavior—which is largely lacking in the production directed by Patrick Garland, with Claire Bloom as Nora at the new Playhouse.

The setting by the talented John Bury looks like—a set. It is not a place where anyone might dwell, only one within which actors may perform. This in itself doesn't matter much (though in the theatre everything counts) but it is typical of the whole. The playing is clean, crisp, brisk, intelligible. The play has become a graph, a neat reading, a "radio" recital: it is all smoothly laid out for us as on a platter. It therefore boils down to the old story which everyone agrees is about a conflict long since resolved as to the subjection of women by husbands who treat them as a convenience, a plaything, a footstool, etc.

The performance had not been in progress more than ten minutes when I said to myself, "This is an 'English' production." For the English these days—and they are not alone in this, except that we rarely ever produce the modern masters—are intent on showing that Ibsen (and Chekhov too) are not the musty, heavy-handed old fogies many folk take them to be. So the plays must be given a swift pace and turned out with brilliant precision—no shadows, hesitations, ambiguities, the sharp action rendered with the suspense showing. What we are faced with then in this production is a company of efficient actors who speak well and do everything with dispatch.

Before substantiating this judgment I must pause to say something further about Ibsen. He was a priestly poet—at times almost a mystic—with a rationalist bent. His spirit harked back to the times of epic grandeur, but his awareness of the pressures and needs of the mercantile and industrial world which had begun to flourish in the 19th century pressed him toward a realism by means of which he could attack the shallowness, mediocrity and hypocrisy of the ruling bourgeoisie in an "ordinary," commonsense manner that they might grasp.

He who by nature was inclined to portray figures of heroic scope (as he did in his youth) undertook to write plays in which the intensity of his passion was compressed into the more manageable and comprehensible style of the "well-made" play for the prosperous middle class which was the new audience of his day: he wished to show it its tragic dilemmas and wounds. At first they denied and reviled the picture. The strict logic he used, the tight rein he imposed on his eloquence and feeling was an effort to contain as much as possible of those qualities he admired in the classic drama within the restrictions of realism. This resulted in the compact structure of his plays, their fierce economy. But the method had the limitations of its virtue: it led to a certain unreality, almost falsity. He sought to overcome this difficulty later in the more mysterious and less popular plays of his last years.

If any valid criticism can be made of Ibsen's technique it is that the task of being fully expressive, powerful and realistically terse at the same time is well-nigh insuperable. Two examples of the difficulty may be cited: one from *Hedda Gabler*, the other from *A Doll's House*. Immediately after hearing of Lövberg's death in *Hedda Gabler*, Tesman and Mrs. Elvsted sit down to work on the book Hedda has burned; Hedda, finding herself frustrated and trapped in every way, commits suicide. The structure of the play necessitates this conclusion within less than fifteen minutes of the final curtain. The change of circumstances and action is too great for the short time allowed by "realism." What happens is right, how it happens is not.

In *A Doll's House*, Nora's transformation from the light-minded lark to the conscious person is essentially true, but if we are to consider the events in the mode in which the play is written, the turnabout in Nora's character is much too sudden and hard to credit if we judge it on its face value. The only way this apparent contradiction can be justified is through creative acting. And this is just what is missing in most productions of Ibsen's plays, and lamentably so in the new one which is superficially expert. That it is likely to be praised for its unproblematic nature is a sign of our times. For while the audiences in Ibsen's day were repelled by his content, we are usually impatient with his method: we want everything to be made "clear," snappy and, at bottom, banal.

It is no wonder then that Dr. Rank, the friend of the Helmer family, who on the verge of death caused by tuberculosis of the spine, is played as blithely as possible. We see hardly any trace either in his physical comportment or in his inner mood to indicate a sense of his fate. The farewell scene between Nora and Rank is thus almost totally without poignancy.

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Still this is only symptomatic. What is crucial to the play is the development of Nora's character. In the confrontation scene with Torvald, her husband, she says that she has never been happy, only cheerful. For this to be accepted, we must perceive it at the outset in her very playfulness. There must be some inkling of wistfulness and a kind of buried hurt even as she hops and twitters as a carefree "bird." And when she begins to speak the quietly forceful lines in explanation of her decision to leave her home and children, we must be led to see that she is groping in subdued anguish toward a realization which is just *dawning* on her.

The directorial design of the production makes Claire Bloom's initial sunniness little better than routine jollity, and in her final declaration she is as maturely articulate as if she had always known what she now says. She is as undisturbedly lucid as a well-instructed teacher reading a lesson to an obstinately shocked, slightly backward pupil.

For sheer acting Miss Bloom's best moments are those in which she is frightened by the turn of events and her possible responsibility for them. But the expression of this fear, isolated from the rest, is simply melodrama. All Nora's traits have to be woven into a unified fabric in which her youthful naïveté, her loving dependence, her hopefulness and yearning for something more than what Torvald's kindness dispenses, her agony in the discovery that she no longer loves him, the awful uncertainty within the determination of her leave-taking, her deep-seated idealism and romanticism (as positive qualities) must be envisioned and embodied in a humanly coherent continuum. As the portrait now stands, each element is applied in discontinuous patches forming no organic image, only a professionally adept representation.

Donald Madden is not the comfortable, assiduous, conventionally good-humored, basically blunt and ultimately bewildered and injured "family man": he is a nice fellow and an agreeably romantic actor giving a fluent and sensible reading. As Krogstad, Robert Gerringer plays well with a shrewdly effective staginess which lessens the real despair of the frayed little man unable to cope with unkind circumstances and moral issue Patricia Elliott as Mrs. Linde, attracti and dignified, has affecting moments wit hardly enough of the wear and tear whic her unfortunate life struggle would ce tainly have told on her face and perso But the evening's shortcomings shoul not be ascribed to the cast: the directc has conceived the production as "Ibse made easy."

DANCE / Nancy Goldner

Ballet companies need stability and a sense of ongoing sameness to flourish. Without a resident choreographer, a home base, and an audience that can count on its being around each year, American Ballet Theatre's status is more precarious than our two other major institutions, the City Center Joffrey Ballet and the New York City Ballet. Every time American Ballet Theatre comes to New York City it needs to sell itself as a new product. This is obviously a dangerous phenomenon, somewhat akin to the growing practice of large museums of depending on special exhibits to arouse interest. The tricky aspect is that while artistic institutions must gather in the cash, they run the risk of miseducating the public and, in the longer view, undermining their own position. The best and really only one reason to go to the ballet is because, like the mountain, it's there.

Thus it was with a good deal of trepidation that I, for one, welcomed the news that Natalia Makarova, fresh from her defection from the Leningrad Kirov Ballet last September, would be joining American Ballet Theatre for its New York season (December 22 to January 10) at the City Center. No matter what ABT management may think, they need a stronger corps de ballet, better new ballets, and better rehearsed old one than they do another commodity to kee the campaign managers busy. In the la two years it was the Carla Fracci-Eri Bruhn team. And this season it was Mak arova, beginning with a benefit perform ance of *Giselle* which, incidentally, wa the only occasion on which it was giver The rest of the engagement split into tw parts: Makarova programs, which wer sometimes hastily created by inserting *pas de deux* from *Giselle* into the pro gram, a *pas de deux* which is an integra part of the ballet and makes no sense b itself; and then the other programs. Th Makarova programs were completel sold out; at other times, the house wa half empty.

Regardless of what one may think o defections and the storms they precipi tate, Makarova is a dancer and needs t work. Although she was the cause o ABT's lopsided season, she cannot b held responsible for it. Indeed, the de lightful irony of the season was that while keeping in mind the inherent dan gers of the situation, one forgot the pe ripheral thunder when Makarova was o the stage. Her technical integrity, whicl one would expect considering her Kiro background, became a moral strength a well. She seemed oblivious to, even re mote from the fuss she had created, an avoided the temptation of playing int the hands of an audience that wanted t be part of an Event. She offered plain beautiful dancing rather than history.

Perhaps one reason why Maka rova the dancer put Makarova the Rus sian curiosity to rest is that her virtue are totally intrinsic to the craft of danc ing. While her presence is commanding she is no personality girl. Most unusua is her phrasing, which is as fluid and ye as controlled as any I have seen. It i this combination of fluidity and contro that makes Makarova outstanding an generates emotional excitement, becaus both qualities are operating at the sam time. She projects this image throug technique alone. Her back, like a pilla

EVENING IN OCTOBER

The farmhouse boarded against the winter.
A worn chicken picking stone.
Buckets of old water in the backyard.
The barn, barely standing,
is nibbling at the late grass.
There is no wind.

Holding my breath, I cross the bridge
over the creek, listening to turtles
bobbing in the dark.
Indians rise out of the fog,
without shoes,
and then lie down to sleep
in the old arms of the oak.

James Tipton

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of steel, is the core of all her movement; thus her legs but especially her arms and neck are entirely free to move as she wishes. While we sense the core of steel in the center of her body, all the appendages move as by remote control. This is nowhere so evident as in her arms which, like trees, seem to be rooted in the center of the body and extend ever upward, controlled by and yet increasingly independent of the base. My guess is that it is this quality that made Makarova's portrayal of the doomed bride in Anthony Tudor's *Jardin aux Lilas* so quietly potent. Tudor's way with arm movement is probably his most characteristic mannerism. One arm is held quietly, even limply, at the side while the other thrusts through the air overhead, one indicating resignation, the other struggle. Makarova seemed to intuitively understand Tudor's use of the arms; in fact, I have never seen Tudor's idiosyncratic choreography given more full-blooded meaning.

While Makarova's artistry did add a genuine excitement, it could and should not compensate for an otherwise dull season. ABT needs good new ballets, but of the three presented, only Michael Smuin's *Schubertiade* was of any interest. The work starts with a tremendous advantage: Schubert waltzes and an appealing convention, the 19th-century party. It gives the company a chance to dance in a lyrical style, which is probably most congenial to ballet but which the ABT dancers rarely get a chance to explore. Furthermore, this is Smuin's most relaxed and confident work to date. But what could have been a beautiful ballet turned out to be only an amiable one. Not content to let the work be simply a string of variations, Smuin tried to inject a sense of environment and character by weaving little dramatic incidents into the dance. Children were used, I suppose, to convey an air of domesticity. Many of the men's variations sprung from competitive spirits. While one couple danced, the others strolled in the background, chatting to each other. And then there was the incident of the dress—the same dress was worn by two women. These dramatic bits were distracting and the dress episode threatened to become the focus of the last third of the ballet. Most important, the bits remained just that, isolated from the rather formal mood of the dancing. If anything, they only served to bring to mind Balanchine's *Liebeslieder Wälzer*, in which incident and dancing are one and the same. Despite Smuin's miscalculation, however, *Schubertiade* is undeniably pleasing, and the civilized behavior that is central to the idea of a musical party is a perfect metaphor for ballet.

The other two new ballets were awful. Dennis Nahat's *Ontogeny* proves that you can't do a modern ballet without a workable vocabulary. It is not enough to have the dancers do all kinds of strange things with their limbs without motivation and inner logic. Alienation and then boredom sets in. It is significant that in totally unstructured ballets such as *Ontogeny*, not one image lingers in the mind, even though its intent was to create the most startling and bizarre body shapes.

I have always suspected that Agnes de Mille is much more interested in crazy people than she is in choreography. Even when using a fine Faulkner story, upon which her *A Rose for Miss Emily* is based, she manages to stress the craziness rather than more subtle factors. Thus it is not only her ambivalence toward choreography but her treatment of theme that is annoying. In this work, "reality" is represented by crass young people who poke fun at Emily. They are no more real than Emily is neurotic, although de Mille is clearly attempting a realistic rendering of Faulkner's gothic tale. Moreover, the realistic and gothic styles collide. Emily is reduced to being a dotty lady, the town freak. Her strangling of her lover and the disposal of his body—on her couch under lace blankets—is not without a touch of the farcical. Neither realistic nor truly horrible, the ballet settles on melodrama. Sallie Wilson struggles through as Emily, grasping at each arabesque as though it were a lifeline. There was something heroic about Wilson's performance, but it is impossible to remove the left-handedness from that compliment.

The Dance Theatre of Harlem, directed by Karel Shook and Arthur Mitchell, made its official New York debut at the Guggenheim Museum on January 8. At this stage in its development, the most important item is its ideology. It is most definitely a ballet company, not a black dance company. There are now several dance companies with black personnel in existence, whose emphasis is on color as well as dance. Sensitive, I am sure, to the pressure of modern history, the directors have nevertheless decided to form a thoroughly classical company. The troupe is undeniably breaking new ground, and only the most naive person could attend a performance in complete innocence. But this time the joke was on us politically aware sophisticates. These young dancers are so at home in the classical technique and bearing that politics flies to the wind. Cultural nationalists, *en garde!* □

MUSIC

DAVID HAMILTON

"I know that the text is extremely bad. But once one has thought out a whole work which is based even on a bad text, it is difficult to prevent this whole from being destroyed if individual alterations are made here and there." Thus Beethoven, writing to his publishers about the revision of his oratorio *Christus am Oelberge*, defined a problem that must also be faced whenever a flawed operatic work is "improved" by modern producers—a problem that is especially difficult on the operatic stage since, by contrast with the spoken drama, the "whole" involves a very precisely defined series of time relationships that cannot be easily tampered with. At the time he wrote those words, Beethoven had not yet embarked on the final revision of his opera *Fidelio*, but such considerations must certainly have weighed on his mind in preparing the version we know today, which remains in certain es-

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sential respects as flawed as the original *Leonore* of 1805.

One of the problems with *Fidelio* as a dramatic work concerns the relation of the spoken dialogue to the musical numbers, especially during the opening scene. This is very much a problem of overall timing: there is not enough substance in the dialogue, in terms either of action or of time span, to carry the weight of the music or to "insulate" the musical numbers one from the other. The disparity is such that producers are always tempted to tamper, and since on the first, superficial level it is the dialogue that seems embarrassing, the dialogue is usually abridged—thus further aggravating the problem. Later in the work, the center of dramatic gravity shifts decisively to the musical sections and the difficulties are less obvious—but there is a long dialogue in the prison scene between Rocco and Florestan that remains indispensable, not merely for its verbal content but because a certain amount of air space is needed between the musical passages.

In the current Metropolitan Opera production of *Fidelio*, the abridgment of the dialogue is extreme; at one point, between Marzellina's aria and the canon quartet, a page of spoken text is reduced to a single sigh from Marzellina. And in the dungeon scene the above mentioned discussion is collapsed drastically; Rocco pours wine down Florestan's throat the moment the latter awakens, and then is made to seem foolish when the question of giving him a bit of bread must be argued at length, determined by the dimensions of the trio that follows.

In other respects Otto Schenk's production is a peculiar mixture of the intelligent and the corny. One wonders why a director imaginative enough to arrange the awkward grave-digging episode in Act II (the details are scored in the music, but at a visually implausible pace) so that it is out of sight, would fall for the sentimental gimmick of ending the first act with Leonore silhouetted clutching at a barred gate (which later turns out to be the prison's front door, not the entrance to the lower dungeons where her husband is imprisoned). And Boris Aronson's set, which a friend aptly described as "Piranesi crossed with Louise Nevelson," suffers from the common flaw of unit sets: the basic design is fine for one scene, but proves awkward in adaptation to other purposes; as usual, the lowermost dungeon of this prison is of basilican proportions.

The question of scene changes brings us back again to the lack of sensitivity to Beethoven, for in each act the scene changes are made to music. In the first case, the victim is Beethoven's splendid "harmonic wrong foot" march, sacrificed to the chattering of the audience. After the dungeon scene, in accordance with an apparently unshakable tradition, the Leonore Overture No. 3 is played; here at least the audience was successfully silenced after a few dozen measures. First introduced in New York by Anton Seidl, according to Irving Kolodin, this custom was firmly established by Gustav Mahler, who is credited with the celebrated dictum (made, presumably, in another context) that "Tradition is slovenliness." The vanity of conductors being what it is, this particular unexamin slovenliness is unlikely to vanish simp because it is musically (and historicall indefensible. In the short range, to sure, the slow transition of the overtur introduction from the G major of t dungeon scene's close to the throbbi C major of the main theme is both mu cally and dramatically "effective," but t further consequences are disastrous. It not, I think, the oft-cited problem of t famous trumpet call, the climax of t preceding scene, becoming an anticlim when it recurs in the overture, for t harmonic and structural contexts are va ly different. Rather, the strenuous achieved and triumphantly asserted major of the overture's recapitulation a coda dwarfs the differently (and, inte tionally, less dramatically) achieved major arch of the final scene. And th anticlimactic effect is furthered by t fact that few singers (including the M cast, with the exception of Jon Vicker can project that vocally strenuous fina half as effectively as even an avera orchestra can play the overture.

In fact, the Met orchestra played wi considerable accuracy throughout t evening, although there were some seve problems of coordination between sta and pit, and Karl Böhm rarely impell the players to the kind of forceful a centuation that is demanded by Beeth ven's ever present *sforzando* marking One might define extremes of succe and failure in presenting *Fidelio* as, c the one hand, the ability to make t opening scene play in a thoroughly co vincing way, and, on the other, the i ability to arouse the audience to conside able enthusiasm with the dungeon scen Neither extreme was reached by the M production, and that may serve to ind cate its place among attempts to reali this problematic masterpiece.

REVELATION

The girl I was with last night
under a moon with clouds
was a virgin, so I said,
"The moon will always surprise you,
unfolding from cloud after cloud.
You think, Ah! the full glitter!
But still it whelms out, whelms . . .
Making love is like that."
Then the lake lost its breeze
and smoothed, and the treed hills
unfolded doubles downward.

And what did we unfold?
The girl has a bad cold
and last night's dampness rankles
today from my neck to my ankles.

Richard Moore

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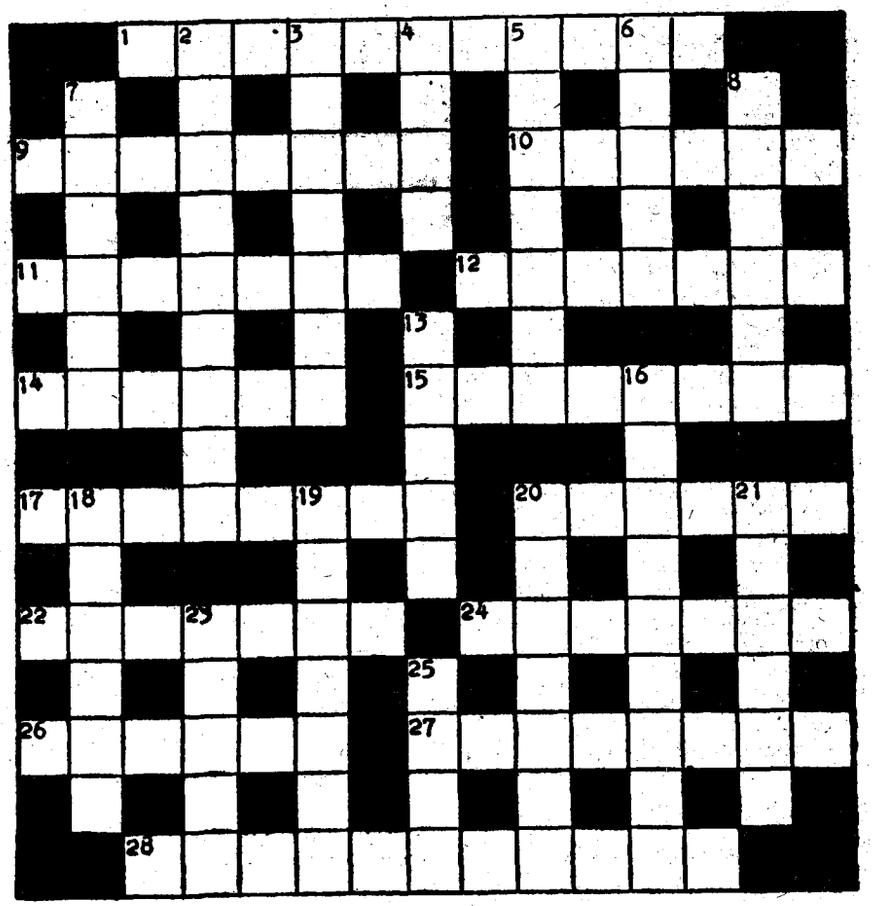

ACROSS

1 Would one deserve the highest award for journalism to create superior writing so? (11)
9 The fish not paid for, possibly because it isn't light. (8)
10 Look happy? Quite the opposite with such as the firefly. (6)
11 With your accounts squared away you shouldn't be found in them. (7)
12 Stuck in this mud, gestures will only get you bad marks! (7)
14 A pupil might be constricted with it. (6)
15 It might be a blow to miss, but some get a lift with it. (8)
17 It could provide a hold, even when shaking. (8)
20 Blasted quick! (6)
22 See 6 down
24 Proving the old country is like a much newer one. (7)
26 See 25 down
27 Perhaps it's an era relating to a religious doctrine. (8)
28 Put the parts together. (11)

DOWN

2 Not having a nap—just a bare description of it. (9)
3 Jonathan, perhaps, or such as Kennedy and Hale. (7)
4 and 13 down Would it be involved if they stole your bacon, or is it just a passing encounter? (9)
5 The prevailing system isn't quite that of a military body. (7)
6 and 22 across Murderous, or told this by its component members. (12)
7 The end of the news when 22 loses its point. (6)
8 Makes a revolution, perhaps. (6)
13 See 4 down
16 In general (recalling the American Revolution) one might expect to find baby clothes with a note inside. (9)
18 Redesigned his pad for the little suckers! (6)
19 Do they represent a come-back in the laboratory? (7)
20 ASCAP is unlikely to be prominent in New Jersey. (7)
21 Not Meyerbeer's "The Prophet"—rather give credit to Mendelssohn. (6)
23 Pi, for example, is not completely rational! (5)
25 and 26 across His answer might imply a similar fondness for the reader. (4,6)

SOLUTION TO PUZZLE NO. 1378

ACROSS: 1 and 5 Limited company; 9 Niobium; 10 Stilton; 11 Issue; 13 and 22 Sense of humor; 14 Gastric; 18 Greener; 21 Notions; 24 Noted; 27 Tahoe; 28 Literal; 29 Trammel; 30 Theseus; 31 Shearer. DOWN: 1 Landing; 2 Maoists; 3 Trice; 4 Demotic; 5 Casters; 6 Maims; 7 Antonio; 8 Yankees; 15, 12 and 18 down Run the gantlet; 17 and 26 Hot dog; 19 Entitle; 20 Riddles; 21 Negates; 23 Speller; 25 Dirge; 27 and 16 Trade schools.

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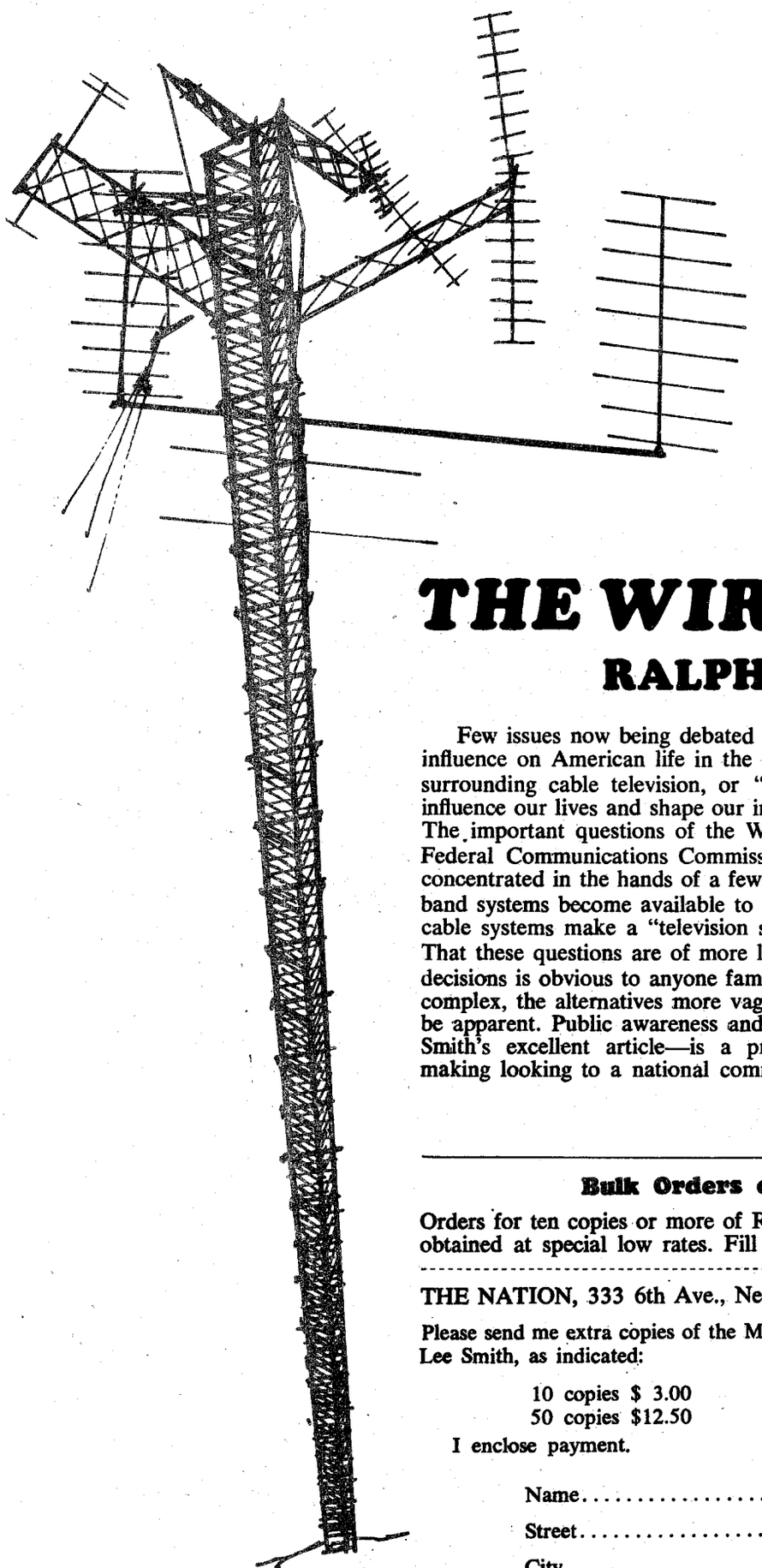

THE WIRED NATION

RALPH LEE SMITH

Few issues now being debated by the federal government have more potential influence on American life in the remaining third of this century than the issues surrounding cable television, or "The Wired Nation." Communications systems influence our lives and shape our institutions in ways unlike any other technology. The important questions of the Wired Nation are now being considered by the Federal Communications Commission. Will control over cable television become concentrated in the hands of a few media barons? Will two-way, switched, broadband systems become available to all homes? Will "common-carrier" channels on cable systems make a "television station" available to all who want to use one? That these questions are of more long-range consequence than conventional FCC decisions is obvious to anyone familiar with the subject. That the issues are more complex, the alternatives more vague, and the pressures more intense should also be apparent. Public awareness and discussion—such as will be produced by Mr. Smith's excellent article—is a prerequisite to intelligent government decision making looking to a national communications system for the future.

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The Federal Communications Commission

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